

Commission amends 47 CFR parts 20 and 80 as follows:

PART 20—COMMERCIAL MOBILE RADIO SERVICES

- 1. The authority citation for part 20 continues to read as follows:

Authority: 47 U.S.C. 154, 160, 201, 251–254, 303, and 332 unless otherwise noted.

- 2. Amend § 20.9 by revising paragraphs (b) introductory text and (b)(1) to read as follows:

§ 20.9 Commercial mobile radio service.

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(b) Licensees of a Personal Communications Service or applicants for a Personal Communications Service license, and VHF Public Coast Station geographic area licensees or applicants, and Automated Maritime Telecommunications System (AMTS) licensees or applicants, proposing to use any Personal Communications Service, VHF Public Coast Station, or AMTS spectrum to offer service on a private mobile radio service basis must overcome the presumption that Personal Communications Service, VHF Public Coast, and AMTS Stations are commercial mobile radio services.

(1) The applicant or licensee (who must file an application to modify its authorization) seeking authority to dedicate a portion of the spectrum for private mobile radio service, must include a certification that it will offer Personal Communications Service, VHF Public Coast Station, or AMTS service on a private mobile radio service basis. The certification must include a description of the proposed service sufficient to demonstrate that it is not within the definition of commercial mobile radio service in § 20.3. Any application requesting to use any Personal Communications Service, VHF Public Coast Station, or AMTS spectrum to offer service on a private mobile radio service basis will be placed on public notice by the Commission.

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PART 80—STATIONS IN THE MARITIME SERVICES

- 3. The authority citation for part 80 continues to read as follows:

Authority: Secs. 4, 303, 307(e), 309, and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, 307(e), 309, and 332, unless otherwise noted. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609; 3 UST 3450, 3 UST 4726, 12 UST 2377.

- 4. Amend § 80.5 by revising the definition of “Automated maritime

telecommunications system” to read as follows:

§ 80.5 Definitions.

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Automated maritime telecommunications system (AMTS). An automatic maritime communications system.

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- 5. Amend § 80.123 by revising the introductory text to read as follows:

§ 80.123 Service to stations on land.

Marine VHF public coast stations, including AMTS coast stations, may provide service to stations on land in accordance with the following:

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- 6. Amend § 80.371 by revising the introductory text of paragraph (c)(1)(i) to read as follows:

§ 80.371 Public correspondence frequencies.

* * * * *

(c) * * *

(1) (i) The frequency pairs listed in this paragraph are available for assignment to public coast stations for communications with ship stations and units on land.

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- 7. Amend § 80.475 by revising paragraph (c) and adding a new paragraph (d) to read as follows:

§ 80.475 Scope of service of the Automated Maritime Telecommunications System (AMTS).

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(c) An AMTS system may provide private mobile radio service in addition to or instead of public correspondence service. However, such communications may be provided only to stations whose licensees make cooperative arrangements with the AMTS coast station licensees. In emergency and distress situations, services must be provided to ship stations without prior arrangements.

(d) AMTS systems providing private mobile radio service instead of, or in addition to, public correspondence service are not required to be interconnected to the public switched network when providing such private mobile radio service. AMTS systems providing public correspondence service must be interconnected to the public switched network, but the licensee may also offer non-interconnected services.

- 8. Amend § 80.479 by revising paragraph (a) to read as follows:

§ 80.479 Assignment and use of frequencies for AMTS.

(a) The frequencies assignable to AMTS stations are listed in subpart H of this subpart.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 070427094-7113-02, I.D. 042407A]

RIN 0648-AV50

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Allocation of Trips in the Closed Area II Yellowtail Flounder Special Access Program

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

Action: Final rule; allocation of trips.

Summary: NMFS announces that the Administrator, Northeast Region, NMFS (Regional Administrator), has allocated zero trips to the Closed Area (CA) II Yellowtail Flounder Special Access Program (SAP) during the 2007 fishing year (FY) (i.e., May 1, 2007, through April 30, 2008). The Regional Administrator has determined that the available catch of Georges Bank (GB) yellowtail flounder is insufficient to support a minimum level of fishing activity within the CA II Yellowtail Flounder SAP for FY 2007. The intent of this action is to help achieve optimum yield (OY) in the fishery by maximizing the utility of available GB yellowtail flounder total allowable catch (TAC) throughout FY 2007.

Dates: Effective July 1, 2007 through April 30, 2008.

ADDRESSES: Copies of the final rule implementing the FY 2007 TAC for GB yellowtail flounder in the U.S./Canada Management Area are available upon request from the NE Regional Office at the following mailing address: George H. Darcy, Assistant Regional Administrator for Sustainable Fisheries, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Copies may also be requested by calling (978) 281-9315.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

Framework Adjustment (FW) 40B (70 FR 31323; June 1, 2005), requires the Regional Administrator annually allocate the total number of trips into the CA II Yellowtail Flounder SAP. A formula was developed in FW 40B to assist the Regional Administrator in determining the appropriate number of trips for this SAP on a yearly basis. The FY 2007 calculations for this equation were detailed in the proposed rule (72 FR 26770; May 11, 2007) and are not repeated here.

FW 40B authorized the Regional Administrator to allocate zero trips to this SAP if the available GB yellowtail flounder catch is not sufficient to support 150 trips with a 15,000-lb (6,804-kg) trip limit (*i.e.*, if the available GB yellowtail catch is less than 1,021 mt), as required. Using the formula developed in FW 40B and based on the 900-mt U.S./Canada GB yellowtail flounder TAC for 2007 (72 FR 25709; May 7, 2007), the Regional Administrator has determined that there will be insufficient GB yellowtail flounder TAC to support the CA II Yellowtail Flounder SAP for FY 2007. Therefore, zero trips are allocated to the SAP for FY 2007.

Comments and Responses

Two comments were received on this action.

Comment 1: One commenter did not specifically address the proposed

allocation of trips, but asserted that all of GB should be closed permanently because it has been denuded of all fish species.

Response: Amendment 13 (69 FR 22906; April 27, 2004) to the NE Multispecies Fishery Management Plan (FMP) implemented a rebuilding plan for all overfished stocks managed under the FMP. Included in this rebuilding plan was the CA II Yellowtail Flounder SAP. The Environmental Impact Statement for Amendment 13 determined that this SAP has minimal negative impacts to the GB yellowtail flounder stock, neutral impacts on Essential Fish Habitat, and negligible impacts on other stocks managed by the FMP. The current regulatory restrictions in place are designed to protect and rebuild fish stocks in accordance with applicable laws; therefore, it is not necessary to close BG to fishing in order to rebuild fish stocks.

Comment 2: Another commenter did not specifically address the proposed allocation of trips, but asserted that GB yellowtail flounder trip limits in the Western U.S./Canada Area were preventing the harvest of GB haddock.

Response: the GB yellowtail flounder TAC for FY 2007 is greatly reduced (57 percent less than FY 2006). For this reason, allowing any trips into this SAP will likely result in fully harvesting the TAC prior to the end of the fishing year, resulting in a possession ban for GB yellowtail flounder, premature closure of the entire Eastern U.S./Canada Area to all NE multispecies DAS vessels, and reduced opportunities to fully harvest the GB haddock and GD cod TACs in the Eastern U.S./Canada Area. NMFS is allocating zero trips to this SAP to help

achieve OY in the U.S./Canada Area by maximizing the utility of available GB yellowtail flounder TAC throughout FY 2007.

Classification

The Regional Administrator has determined that this action is necessary for the conservation and management of the NE multispecies fishery and that it is consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws.

This final rule has been determined to be not significant for the purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not required and none was prepared.

This final rule does not contain any new, nor revises existing reporting, recordkeeping, and other compliance requirements.

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

Dated: May 31, 2007.

William T. Hogarth,

*Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

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