

■ For the reasons set out above, the Commission amends 46 CFR part 515 as follows:

**PART 515—LICENSING, FINANCIAL RESPONSIBILITY REQUIREMENTS, AND GENERAL DUTIES FOR OCEAN TRANSPORTATION INTERMEDIARIES**

■ 1. The authority citation for 46 CFR part 515 continues to read as follows:

**Authority:** 5 U.S.C. 553; 31 U.S.C. 9701; 46 U.S.C. app. 1702, 1707, 1709, 1710, 1712, 1714, 1716, and 1718; Pub. L. 105–383, 112 Stat. 3411; 21 U.S.C. 862.

**§ 515.12 [Amended]**

■ 2. Amend 46 CFR 515.12 to add a new paragraph (e) as follows:

\* \* \* \* \*

(e) *Optional method of filing Form FMC–18.* In lieu of completing and filing Form FMC–18 in paper format, applications and amendments thereto may be completed and submitted to the Bureau of Certification and Licensing by using the automated FMC–18 filing system in accordance with the instructions found on the Commission’s home page, <http://www.fmc.gov>. A \$250 fee for filing a new application and a \$125 fee for filing an amended application will be assessed for filers using the automated FMC–18 filing system instead of the fees listed at § 515.5(b)(1), (2).

**§ 515.18 [Amended]**

■ 3. Amend 46 CFR 515.18 to add a new paragraph (f) as follows:

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(f) *Optional method of filing Form FMC–18.* In lieu of completing and filing Form FMC–18 in paper format, applications for approval of changes in organization, transfer of license, or changes in the identity or status of the designated qualifying individual required under this section may be completed and submitted to the Bureau of Certification and Licensing by using the automated FMC–18 filing system in accordance with the instructions found on the Commission’s home page, <http://www.fmc.gov>. A \$250 fee for filing a new application and a \$125 fee for filing an amended application will be assessed for filers using the automated FMC–18 filing system instead of the fees listed at § 515.5(b)(1), (2).

By the Commission.

**Bryant L. VanBrakle,**  
*Secretary.*

[FR Doc. E7–15593 Filed 8–9–07; 8:45 am]

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 12**

[EB Docket No. 06–119; WC Docket No. 06–63; FCC 07–139]

**Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; delay of effective date.

**SUMMARY:** In the *Order*, the Federal Communications Commission (Commission) extends the effective date of the recently adopted section 12.2 of the Commission’s rules to October 9, 2007.

**DATES:** The effective date of the recently adopted rule 47 CFR 12.2, published at 72 FR 37655, August 10, 2007 is delayed until October 9, 2007.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Room TW–A325, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Jean Ann Collins, Deputy Chief, Communications Systems Analysis Division, Public Safety and Homeland Security Bureau, Federal Communications Commission at (202) 418–2792.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission’s *Order* in EB Docket No. 06–119 and WC Docket No. 06–63, FCC 07–139, adopted and released on August 2, 2007. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. This document may also be purchased from the Commission’s duplicating contractor, Best Copy and Printing, Inc., in person at 445 12th Street, SW., Room CY–B402, Washington, DC 20554, via telephone at (202) 488–5300, via facsimile at (202) 488–5563, or via e-mail at [FCC@BCPIWEB.COM](mailto:FCC@BCPIWEB.COM).

Alternative formats (computer diskette, large print, audio cassette, and Braille) are available to persons with disabilities by sending an e-mail to [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or calling the Consumer and Governmental Affairs Bureau at (202) 418–0530, TTY (202) 418–0432. This document is also available on the Commission’s Web site at <http://www.fcc.gov>.

**Synopsis of the Order**

1. In the *Order*, we extend the effective date of the recently adopted section 12.2 of the Commission’s rules to October 9, 2007. This rule requires local exchange carriers (LECs), including incumbent LECs and competitive LECs, and commercial mobile radio service (CMRS) providers to have “an emergency backup power source for all assets that are normally powered from local AC commercial power, including those inside central offices, cell sites, remote switches and digital loop carrier system remote terminals.” The rule further states that “LECs and CMRS providers should maintain emergency back-up power for a minimum of 24 hours for assets inside central offices and eight hours for cell sites, remote switches and digital loop carrier system remote terminals that are normally powered from local AC commercial power.” LECs that meet the definition of a Class B company as set forth in section 32.11(b)(2) of the Commission’s rules and non-nationwide CMRS providers with no more than 500,000 subscribers are exempt from this rule. Absent an extension, this rule would become effective on August 10, 2007, which is 30 days after publication of the *Katrina Panel Order* in the **Federal Register**.

2. On July 31, 2007, CTIA—the Wireless Association® (CTIA) filed a “Motion for Administrative Stay” of section 12.2 of the Commission’s rules. In particular, CTIA requests an administrative stay, pending further review, of the requirement that CMRS providers have an emergency back-up power source for all assets that are normally powered by local AC commercial power, including a minimum of eight hours of back-up power for cell sites, by August 10, 2007.

3. On the Commission’s own motion, the Commission hereby delays the effective date of the back-up power rule adopted in the *Katrina Panel Order* for a period of 60 days from the original effective date of the rule (i.e., the new effective date will be October 9, 2007). This will provide the Commission with additional time to consider the issues raised by CTIA in its Motion for Administrative Stay and to hear from other concerned parties on those issues.

4. Accordingly, *it is ordered*, pursuant to sections 4(i) and (j) of the Communications Act of 1934, as amended, 47 CFR 154(i) and (j), and sections 1.108 and 1.427 of the Commission’s rules, 47 CFR 1.108 and 1.427, that the effective date of section 12.2 of the Commission’s rules, 47 CFR 12.2, is delayed for a period of 60 days.

The new effective date of this rule will be October 9, 2007.

5. *It is further ordered* that the effective date of the *Order* is the date upon which the *Order* is released by the Commission.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. E7-15702 Filed 8-9-07; 8:45 am]

**BILLING CODE 6712-01-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 070709299-7300-01]

RIN 0648-AV75

#### Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Haddock Size Limit Change

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

**ACTION:** Temporary rule; emergency final rule.

**SUMMARY:** NMFS implements this final rule pursuant to its authority to issue emergency measures under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). This emergency action implements measures intended to reduce immediately discards of Georges Bank (GB) and Gulf of Maine (GOM) haddock to prevent excessive waste and comply with the goals of reducing discards and maintaining the rebuilding programs of the Northeast (NE) Multispecies Fishery Management Plan (FMP), while helping to achieve optimum yield at the same time. Specifically, this emergency action reduces the commercial minimum haddock size to 18 inches (45 cm) from the current minimum size of 19 inches (48.3 cm). This action is intended to reduce discarding and maintain consistency with the FMP and the Magnuson-Stevens Act.

**DATES:** Effective August 10, 2007, through February 6, 2008.

**FOR FURTHER INFORMATION CONTACT:** Thomas A. Warren, Fishery Policy Analyst, (978) 281-9347, fax (978) 281-9135.

#### SUPPLEMENTARY INFORMATION:

##### Background

This final rule implements emergency measures, authorized by section 305(c)

of the Magnuson-Stevens Act, intended to immediately reduce excessive discarding of GB and GOM haddock by lowering the commercial minimum fish size to 18 inches (45 cm), from the current minimum size of 19 inches (48.3 cm). The New England Fishery Management Council (Council) voted on June 21, 2007, to recommend that the Secretary of Commerce take action to lower the minimum size of haddock to 17 inches (43.2 cm) for vessels fishing on GB. A written request from the Council to NMFS for such action was dated June 25, 2007. Recent information from the Council and data from observed trips to the Eastern U.S./Canada Area indicate that there have been large amounts of discarding of haddock occurring because only a small fraction of the haddock from an exceptionally large year class being caught on GB has reached the minimum size of 19 inches (48.3 cm). Observer data show a discard-to-kept ratio of over 1 lb (0.45 kg) of haddock discarded to every pound of haddock landed. Cumulative haddock discards from the Eastern U.S./Canada Area from May 1, 2007, through July 4, 2007, are estimated at approximately 700,000 lb (318 mt).

The reason for these large amounts of discards is that the very large 2003 year class of haddock, which is the largest since 1963, is growing more slowly than previously anticipated. Recent survey data indicate an average GB haddock size of 16.6 inches (42.2 cm) for fish in the 2003 year class. The average size of the fish in the 2003 year class is anticipated to be 19 inches (48.3 cm) by the summer of 2008, which would make them legal to retain under the existing regulations, so the current discard situation will resolve itself over the long term. However, in the short term, in order to reduce the large amount of discards and associated discard mortality that has been occurring in the haddock fishery, and enable such fish to be landed, a reduction in the haddock minimum size to 18 inches (45.7 cm) is warranted. A temporary 18-inch (45-cm) minimum size limit will enable a larger fraction of the haddock catch to be landed, until a greater portion of the haddock population grows and reaches 19 inches (48.3 cm). NMFS is taking emergency action to effect this change.

This emergency action differs from the Council's request in two aspects. The Council recommended a minimum size of 17 inches (43.2 cm), and limited the scope of the size reduction to GB. This emergency action reduces the minimum size to 18 inches (45.7 cm) in both the GB and GOM stock areas. Although the discarding situation is

principally occurring on GB, and GOM haddock appear to have a higher rate of growth than GB haddock (Northeast Fisheries Science Center, (NEFSC)), this action decreases the minimum size limit for haddock throughout the range of the species to ensure meaningful and effective enforcement of the minimum size. Having differential size limits in the commercial fishery for two stocks of haddock that are landed by the same fishery in the same ports would make it virtually impossible to distinguish between the different size limits for enforcement purposes. Reducing the haddock minimum size from 19 inches (48.3 cm) to 18 inches (45 cm) will more than double the percentage of the GB haddock population available for harvest (from 22 percent to 47 percent in fall 2007; NEFSC). Such a size reduction will also modestly increase the percentage of GOM haddock available (from 57 percent to 61 percent in fall 2007), commensurate with the higher growth rate of haddock in the GOM. The decrease in the size limit for GOM haddock, therefore, should not increase the incentive to target smaller haddock. The recreational minimum size will remain at 19 inches (48.3 cm) because the magnitude of the recreational fishery for GB haddock, and the associated discard issue, is much less than the commercial fishery. Also, it is possible for a recreationally caught haddock that is undersized to be released alive, while it is more difficult to do so with commercially caught fish. Because the recreational fishery is distinct from the commercial fishery, the fact that the associated minimum sizes are different does not undermine enforcement of such restrictions.

NMFS policy guidelines for the use of emergency rules (62 FR 44421; August 21, 1997) specify the following three criteria that define what an emergency situation is, and justification for final rulemaking: (1) The emergency results from recent, unforeseen events or recently discovered circumstances; (2) the emergency presents serious conservation or management problems in the fishery; and (3) the emergency can be addressed through emergency regulations for which the immediate benefits outweigh the value of advance notice, public comment, and deliberative consideration of the impacts on participants to the same extent as would be expected under the normal rulemaking process. NMFS policy guidelines further provide that emergency action is justified for certain situations where emergency action would prevent significant direct economic loss or to preserve a