

U.S. Small Business Administration (SBA).

12. In the *BRS/EBS Third Report and Order*, the Commission extends the deadline for demonstrating substantial service for those licensees that are granted an initial BRS license on or after November 6, 2009. The Commission takes this action in the context of its decision to auction 78 available BRS BTA licenses in Auction No. 86, which began on October 27, 2009. The Wireless Telecommunications Bureau announced the close of Auction No. 86 on November 6, 2009. This action will not create any additional burdens for BRS licensees because all BRS licensees must demonstrate substantial service. Moreover, this decision relieves licensees granted an initial license on or after November 6, 2009 from having to meet the May 1, 2011 deadline, but would require them to demonstrate substantial service four years from the date of license grant.

13. Therefore, we certify that the requirements of the *BRS/EBS Third Report and Order* will not have a significant economic impact on a substantial number of small entities.

#### IV. Report to Congress

14. The Commission will send a copy of this *BRS/EBS Third Report and Order*, including a copy of this Final Regulatory Flexibility Certification, in a report to Congress and the Government Accountability Office pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, see 5 U.S.C. 801(a)(1)(A).

#### V. Ordering Clauses

15. Accordingly, it is ordered, pursuant to sections 1, 2, 4(i), 7, 10, 201, 214, 301, 302, 303, 307, 308, 309, 310, 319, 324, 332, 333 and 706 of the Communications Act of 1934, 47 U.S.C. 151, 152, 154(i), 157, 160, 201, 214, 301, 302, 303, 307, 308, 309, 310, 319, 324, 332, 333, and 706, that this *Third Report and Order* is hereby adopted.

16. It is further ordered, pursuant to section 4(i) of the Communications Act of 1934, 47 U.S.C. 154(i) that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of this *Third Report and Order*, including the Final Regulatory Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

#### List of Subjects in 47 CFR Part 27

Communications common carriers, Radio.

Marlene H. Dortch,  
Secretary, Federal Communications  
Commission.

#### Final Rules

■ For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 27 as follows:

#### PART 27—MISCELLANEOUS WIRELESS COMMUNICATIONS SERVICES

■ 1. The authority citation for part 27 continues to read as follows:

**Authority:** 47 U.S.C. 154, 301, 302, 303, 307, 309, 332, 336, and 337 unless otherwise noted.

■ 2. Amend § 27.5 by revising paragraph (i)(1) to read as follows:

#### § 27.5 Frequencies.

\* \* \* \* \*

(i) \* \* \*

(1) Pre-transition frequency assignments.

BRS Channel 1: 2150–2156 MHz or 2496–2500 MHz

BRS Channel 2: 2156–2162 MHz or 2686–2690 MHz

BRS Channel 2A: 2156–2160 MHz

EBS Channel A1: 2500–2506 MHz

EBS Channel B1: 2506–2512 MHz

EBS Channel A2: 2512–2518 MHz

EBS Channel B2: 2518–2524 MHz

EBS Channel A3: 2524–2530 MHz

EBS Channel B3: 2530–2536 MHz

EBS Channel A4: 2536–2542 MHz

EBS Channel B4: 2542–2548 MHz

EBS Channel C1: 2548–2554 MHz

EBS Channel D1: 2554–2560 MHz

EBS Channel C2: 2560–2566 MHz

EBS Channel D2: 2566–2572 MHz

EBS Channel C3: 2572–2578 MHz

EBS Channel D3: 2578–2584 MHz

EBS Channel C4: 2584–2590 MHz

EBS Channel D4: 2590–2596 MHz

BRS Channel E1: 2596–2602 MHz

BRS Channel F1: 2602–2608 MHz

BRS Channel E2: 2608–2614 MHz

BRS Channel F2: 2614–2620 MHz

BRS Channel E3: 2620–2626 MHz

BRS Channel F3: 2626–2632 MHz

BRS Channel E4: 2632–2638 MHz

BRS Channel F4: 2638–2644 MHz

EBS Channel G1: 2644–2650 MHz

BRS Channel H1: 2650–2656 MHz

EBS Channel G2: 2656–2662 MHz

BRS Channel H2: 2662–2668 MHz

EBS Channel G3: 2668–2674 MHz

BRS Channel H3: 2674–2680 MHz

EBS Channel G4: 2680–2686 MHz

I Channels: 2686–2690 MHz

\* \* \* \* \*

■ 3. Amend § 27.14 by revising paragraph (o) introductory text to read as follows:

#### § 27.14 Construction requirements; Criteria for renewal.

\* \* \* \* \*

(o) BRS and EBS licensees originally issued a BRS or EBS license prior to November 6, 2009 must make a showing of substantial service no later than May 1, 2011. With respect to initial BRS licenses issued on or after November 6, 2009, the licensee must make a showing of substantial service within four years from the date of issue of the license. Incumbent BRS licensees that are required to demonstrate substantial service by May 1, 2011 must file their substantial service showings with their renewal applications. "Substantial service" is defined as service which is sound, favorable, and substantially above a level of mediocre service which just might minimally warrant renewal. Substantial service for BRS and EBS licensees is satisfied if a licensee meets the requirements of paragraph (o)(1), (o)(2), or (o)(3) of this section. If a licensee has not met the requirements of paragraph (o)(1), (o)(2), or (o)(3) of this section, then demonstration of substantial service shall proceed on a case-by-case basis. Except as provided in paragraphs (o)(4) and (o)(5) of this section, all substantial service determinations will be made on a license-by-license basis. Failure by any licensee to demonstrate substantial service will result in forfeiture of the license and the licensee will be ineligible to regain it.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 635

[Docket No. 100317152-0176-01]

RIN 0648-AY77

#### Atlantic Highly Migratory Species; 2010 Atlantic Bluefin Tuna Quota Specifications

##### Correction

In rule document 2010-13207 beginning on page 30732 in the issue of Wednesday, June 2, 2010 make the following correction:

On page 30734, Table 1 is being reprinted to read as set forth below.

Table 1. Atlantic Bluefin Tuna Final Quota Specifications (in metric tons) for the 2010 Fishing Year (January 1-December 31, 2010)

Category (% share of baseline quota)	Baseline Allocation	Dead Discard Deduction	Adjustment to Baseline Quota <sup>1</sup>	Final 2010 Fishing Year Quota
<b>Angling (19.7)</b>	187.6 <u>SUBQUOTAS:</u> School 97.7 Reserve 18.1 North 37.6 South 42.1 Lg. Sch/Sm. Med 85.6 North 40.4 South 45.2 Trophy 4.3 North 1.4 South 2.9		37.8	225.4 <u>SUBQUOTAS:</u> School 97.7 Reserve 18.1 North 37.6 South 42.1 Lg. Sch/Sm. Med 122.5 North 57.8 South 64.7 Trophy 5.2 North 1.7 South 3.5
<b>General (47.1)</b>	Total: 448.6 <u>SUBQUOTAS:</u> Jan 23.8 Jun-Aug 224.3 Sept 118.9 Oct-Nov 58.3 Dec 23.3		90.3	538.9 <u>SUBQUOTAS:</u> Jan 28.6 Jun-Aug 269.4 Sept 142.8 Oct-Nov 70.1 Dec 28.0
<b>Harpoon (3.9)</b>	37.1		7.5	44.6
<b>Purse Seine (18.6)</b>	177.2		35.6	212.8
<b>Longline (8.1)</b>	77.1 <u>SUBQUOTAS:</u> North (-NED) 30.9 NED 25.0 <sup>3</sup> South 46.2	-172.8	170.7 <sup>2</sup>	75.0 <u>SUBQUOTAS:</u> North (-NED) 30.0 NED 25.0 <sup>3</sup> South 45.0
<b>Trap (0.1)</b>	1.0		0.2	1.1
<b>Reserve (2.5)</b>	23.8		46.5 <sup>4</sup>	70.3
<b>Total (100)<sup>5</sup></b>	<b>952.4</b>	<b>-172.8</b>	<b>388.6</b>	<b>1,168.2</b>

(1) The distribution of 388.6 mt of underharvest (per ICCAT recommendation) to the quota categories is consistent with FMP allocations, after considerations as calculated below for the Longline category and the Reserve.

(2) Adjustment to Longline category quota is intended to provide sufficient quota for the 2010 fishing year. Longline category quota=77.1-172.8+170.7=75 mt. Dead discard deduction consistent with § 635.27(a)(10).

(3) 25 mt to account for bycatch of BFT in pelagic longline fisheries in the NED. Not included in total baseline allocation, which is allocated according to the category percentages contained in the Consolidated HMS FMP.

(4) Allocation of 46.5 mt to the Reserve for potential ICCAT transfer and other domestic management objectives.

(5) Totals are subject to rounding error.