

(3) Notwithstanding paragraph (b)(1) of this section, the grace period for using the MOVES2010a emissions model (and minor model revisions) for regional emissions analyses will end on March 2, 2013.

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[FR Doc. 2011-26347 Filed 10-12-11; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 20

[WT Docket No. 05-265; FCC 11-52]

#### Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers and Other Providers of Mobile Data Services; Public Information Collection Approved by Office of Management and Budget

**AGENCY:** Federal Communications Commission.

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

**SUMMARY:** In this document, the Federal Communications Commission (FCC) announces that it has received Office of Management and Budget (OMB) approval for public information collection 3060-0411, which is associated with the new complaint mechanism for resolving data roaming disputes with commercial mobile data service providers.

**DATES:** 47 CFR 20.12(e)(2), published May 6, 2011 at 76 FR 26199, is effective October 13, 2011.

**FOR FURTHER INFORMATION CONTACT:** Contact Judith B. Herman, Federal Communications Commission, at (202) 418-0214 or via the Internet at *Judith-B.Herman@fcc.gov*.

**SUPPLEMENTARY INFORMATION:** On September 7, 2011, the Commission received approval from the Office of Management and Budget for a revision to public information collection 3060-0411, which relates to the filing of complaints with the Federal Communications Commission.

The revision was necessitated by the adoption of a new data roaming rule requiring commercial mobile data service providers to offer data roaming arrangements to other such providers.<sup>1</sup> The Commission also provided a complaint process by adopting 47 CFR

20.12(e)(2). Specifically, a party alleging a violation of 47 CFR 20.12(e) may file a formal or informal complaint pursuant to the procedures in 47 CFR 1.716–1.718, 1.720, 1.721, and 1.723–1.735. It is this rule, 47 CFR 20.12(e)(2), that is now effective.

*Rule:* 47 CFR 20.12(e)(2).

*Effective date:* 10/13/2011.

*OMB Control No.:* 3060-0411.

*OMB Approval Date:* 09/07/2011.

*Collection 3060-0411 Expiration Date:* 09/30/2014.

*Title:* Procedures for Formal Complaints.

*Form No.:* FCC Form 485.

*Estimated Annual Burden:* 20 respondents; 301 responses; 1,349 total annual hours.

*Needs and Uses:* On April 7, 2011, the Commission adopted, for data roaming, a complaint procedure using most of the procedural processes already in place for resolving formal complaints against common carriers. Specifically, a party alleging a violation of 47 CFR 20.12(e) may file a formal or informal complaint pursuant to the procedures in 47 CFR 1.716–1.718, 1.720, 1.721, and 1.723–1.735. The Commission finds that it is in the public interest to ensure a consistent Commission process for resolving both voice and data roaming complaints. Moreover, some roaming disputes will involve both data and voice and are likely to have factual issues common to both types of roaming. This approach allows a party to bring a single proceeding to address such a dispute, rather than having to bifurcate the matter and initiate two separate proceedings under two different sets of procedures. This, in turn, will be more efficient for the parties involved, as well as for the Commission, and should result in faster resolution of such disputes.

This collection of information includes the process for submitting a formal complaint. The Commission uses this information to determine the sufficiency of complaints and to resolve the merits of disputes between the parties. Orders issued by the Commission in formal complaint proceedings are based upon evidence and argument produced by the parties in accordance with the Formal Complaint Rules. If the information were not collected, the Commission would not be able to resolve common carrier or commercial mobile data service provider related complaint proceedings. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid control number.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 2011-26398 Filed 10-12-11; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 64

[DA 11-1649]

#### Common Carriers; Editorial Amendments

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Commission via the Office of Managing Director makes two nonsubstantive, editorial amendments to Part 64 of the Commission's rules. The Managing Director makes these amendments to delete certain provisions and notes that are without current legal effect and thus obsolete. The Chief of the Consumer and Governmental Affairs Bureau has approved these editorial amendments.

**DATES:** Effective October 13, 2011.

#### FOR FURTHER INFORMATION CONTACT:

Deborah Broderson, Office of the Bureau Chief, Consumer and Governmental Affairs Bureau at (202) 418-0652, or e-mail: *Deborah.Broderson@fcc.gov*.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Amendment of Part 64 of the Commission's Rules Regarding Telecommunication Relay Services and Related Customer Premises Equipment for Persons with Disabilities; Truth-in-Billing Requirements for Common Carriers*, Order (Order), document DA 11-1649, adopted September 30, 2011, and released September 30, 2011. The full text of document DA 11-1649 and copies of any subsequently filed documents in this matter will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. Document DA 11-1649 and copies of subsequently filed documents in this matter may also be purchased from the Commission's duplicating contractor, Best Copying and Printing, Inc. (BCPI), at Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. Customers may contact BCPI at its Web site, <http://www.bcpipweb.com>, or by calling 202-488-5300. Document DA 11-1649 can also be downloaded in Word or Portable Document Format

<sup>1</sup> See Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers and Other Providers of Mobile Data Services, WT Docket No. 05-265, FCC 11-52, *Second Report and Order*, 26 FCC Rcd 5411, 76 FR 26199 (2011); 47 CFR 20.12(e).

(PDF) at: <http://www.fcc.gov/cgb/drotrs.html#orders>.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

#### **Final Paperwork Reduction Act of 1995 Analysis**

Document DA 11–1649 does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4).

#### **Congressional Review Act**

The Commission will send a copy of document DA 11–1649 in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act. See 5 U.S.C. 801(a)(1)(A).

#### **Synopsis**

1. Document DA 11–1649 finds that a provision of Part 64, Subpart F of the Commission’s rules regarding the Telecommunications Relay Services and Related Customer Premises Equipment for Persons with Disabilities no longer has legal effect. Section 64.604(c)(5)(iii)(J) of the Commission’s rules provides that the Commission shall review the Interstate Cost Recovery Plan (the “TRS Fund”) and the TRS Fund administrator’s performance after two years. The administration of the TRS Fund and the rule mandating a review after an initial two year period became effective July 26, 1993. See Telecommunications Relay Services, 58 FR 39671, July 26, 1993 (amending 47 CFR 64.604). Since § 64.604(c)(5)(iii)(J) of the Commission’s rules became effective in 1993, the Commission has reviewed the TRS Fund on an annual basis and has modified the plan on several occasions. See, e.g.,

*Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service Program*, CG Docket Nos. 03–123 and 10–51, Order, 76 FR 44326, July 25, 2011 (adopting new compensation rates for various forms of TRS to be paid from the TRS Fund for the 2011–12 Fund year and the

contribution factor used to determine the amount common carriers must contribute to the Fund). The Commission had also conducted periodic reviews of the administrator’s performance. *See Appointment of Telecommunications Relay Services Fund Administrator and Composition of the Interstate TRS Advisory Council*, CC Docket No. 90–571, Memorandum Opinion and Order, 14 FCC Rcd 10553, 10554, paragraphs 10–11 (1999); *Appointment of the Telecommunications Relay Services Fund Administrator and Composition of the TRS Advisory Committee*, CC Docket No. 90–571, Memorandum Opinion and Order, 10 FCC Rcd 7223, 7224, paragraphs 8–9 (1995). As the Commission reviewed the performance of the administrator and the Fund after two years of its promulgation, § 64.604(c)(5)(iii)(J) of the Commission’s rules is without current legal effect and thus may be deleted as obsolete.

2. Document DA 11–1649 also finds that a note in Part 64, Subpart Y of the Commission’s rules, which establishes Truth-In-Billing Requirements for Common Carriers, no longer has legal effect. The note following the Commission’s Truth-In-Billing Requirements, codified at 47 CFR 64.2401 of its rules, indicates that certain provisions of the rule are not effective and have been stayed until amendments to § 64.2401(a), (d), and (e) of the Commission’s rules become effective, pending approval by the Office of Management and Budget and the Commission’s publication of a document in the **Federal Register** announcing this approval and the effective date of these amended subsections. The amendments to the noted sections were published in the **Federal Register** on July 13, 2000, *see* Truth-In-Billing and Billing Format, 65 FR 43251, July 13, 2000 (amending 47 CFR 64.2401(a), (d), and (e)), and became effective upon approval by the Office of Management and Budget on August 28, 2000. *See* Truth-In-Billing and Billing Format, 65 FR 52048, August 28, 2000 (amending 47 CFR 64.2401(a), (d), and (e)).

3. Accordingly, the stay has been lifted and all provisions of the rule are currently effective. The note indicating that some provisions have been stayed is no longer accurate. For these reasons, the note following § 64.2401 of the Commission’s rules is without current legal effect and thus may also be deleted as obsolete.

4. Accordingly, the Commission amends these rules by deleting these provisions that no longer have any legal effect. The rule amendments adopted in

document DA 11–1649 and set forth herein are nonsubstantive, editorial revisions of the rules under 47 CFR 0.231(b) of the Commission’s rules. The Commission therefore finds good cause to conclude that notice and comment procedures are unnecessary and would not serve any useful purpose. *See* 5 U.S.C. 553(b)(3)(B). Because the rules being deleted are obsolete and without current legal effect, the Commission also finds good cause to make these nonsubstantive, editorial revisions of the rules effective October 13, 2011. *See* 5 U.S.C. 553(d)(3).

#### **Regulatory Flexibility Act**

Because Document DA 11–1649 was adopted without notice and comment, *see* 5 U.S.C. 553(b)(3)(B), the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, does not apply.

#### **Ordering Clauses**

*It is ordered that*, effective October 13, 2011, Part 64 of the Commission’s rules is amended, as set forth herein, pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), and § 0.231(b) of the Commission’s regulations, 47 CFR 0.231(b).

The Commission’s Consumer and Governmental Affairs Bureau, Reference Information Center, will not send a copy of document DA 11–1649 or Regulatory Flexibility Act documents to the Chief Counsel for Advocacy of the Small Business Administration because the Regulatory Flexibility Act does not apply.

#### **List of Subjects in 47 CFR Part 64**

Individuals with disabilities, Telecommunications, Telephone. Federal Communications Commission.  
**Joel Gurin**,  
Chief, Consumer and Governmental Affairs Bureau.

#### **Rule Changes**

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 64 as follows:

#### **PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS**

- 1. The authority citation for part 64 continues to read as follows:

**Authority:** 47 U.S.C. 154, 254(k), 227; secs. 403(b)(2)(B), (c), Pub. L. 104–104, 110 Stat. 56. Interpret or apply 47 U.S.C. 201, 218, 225, 226, 228, 254(k), and 620, unless otherwise noted.

**§ 64.604 [Amended]**

- 2. In § 64.604, remove and reserve paragraph (c)(5)(ii)(J).

**§ 64.2401 [Amended]**

- 3. In § 64.2401, remove the “Note to § 64.2401”.

[FR Doc. 2011-26515 Filed 10-12-11; 8:45 am]

BILLING CODE 6712-01-P

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 622**

[Docket No. 0907271173-0629-03]

RIN 0648-XA686

**Snapper-Grouper Fishery of the South Atlantic; Closure of the 2011–2012 Recreational Sector for Black Sea Bass in the South Atlantic**

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS closes the recreational sector for black sea bass in the portion of the exclusive economic zone (EEZ) of the South Atlantic through 35°15.19' N. lat., the latitude of Cape Hatteras Light, North Carolina. NMFS has determined that the recreational annual catch limit (ACL) for black sea bass has been reached. This closure is necessary to protect the black sea bass resource.

**DATES:** The closure is effective 12:01 a.m., local time, October 17, 2011, until 12:01 a.m., local time, on June 1, 2012.

**FOR FURTHER INFORMATION CONTACT:** Catherine Bruger, telephone 727-824-5305, fax 727-824-5308, e-mail [Catherine.Bruger@noaa.gov](mailto:Catherine.Bruger@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The snapper-grouper fishery of the South Atlantic is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council (Council) 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. These regulations set the recreational ACL for black sea bass in the South Atlantic at 409,000 lb (185,519 kg), gutted weight. However, NMFS published a temporary rule on October 4, 2011, which implemented a reduced recreational ACL beginning

October 4, 2011, for the 2011–2012 fishing year (76 FR 61285) due to an ACL overage in the recreational sector of 67,253 lb (30,505 kg), gutted weight in the 2010–2011 fishing year. Therefore, the 2011–2012 recreational ACL for black sea bass in the South Atlantic is now 341,747 lb (155,014 kg), gutted weight, effective October 4, 2011, through May 31, 2012.

**Background**

Black sea bass are managed throughout their range. In the South Atlantic EEZ, black sea bass are managed by the Council from 35°15.19' N. lat., the latitude of Cape Hatteras Light, North Carolina, south. From Cape Hatteras Light, North Carolina, through Maine, black sea bass are managed jointly by the Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission. Therefore, the closure provisions contained in this notice are applicable to those vessels harvesting or possessing black sea bass from Key West, Florida, through Cape Hatteras Light, North Carolina.

Regulations effective January 31, 2011 (75 FR 82280, December 30, 2010), set the recreational ACL for black sea bass in the South Atlantic EEZ and established accountability measures (AMs), and require NMFS to close the recreational sector for black sea bass when the ACL is reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. The AMs state if black sea bass are overfished and if recreational landings reach or are projected to reach the recreational ACL of 341,747 lb (155,014 kg), gutted weight, the Assistant Administrator for Fisheries, NOAA (AA), will close the recreational sector for black sea bass for the remainder of the fishing year (50 CFR 622.49(b)(5)(ii)). On, and after, the effective date of the closure, the bag and possession limit of black sea bass in or from the South Atlantic EEZ is zero. This zero bag and possession limit also applies in the South Atlantic on board a vessel for which a valid Federal charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, i.e., in State or Federal waters.

Based on current statistics, NMFS has determined that the recreational ACL of 341,747 lb (155,014 kg), gutted weight, for black sea bass has been reached. Accordingly, NMFS is closing the recreational sector for black sea bass in the portion of the South Atlantic EEZ through Cape Hatteras Light, North Carolina, from 12:01 a.m., local time,

October 17, 2011, until 12:01 a.m., local time, on June 1, 2012. In order to announce this closure and provide relevant information to interested parties, NMFS will contact state marine fishery agencies and fish houses, announce the closure on NOAA Weather Radio, and distribute a fishery bulletin to provide additional notice to the recreational fishermen. The closure is intended to prevent overfishing and increase the likelihood that the current recreational ACL will not be exceeded even further.

**Classification**

This action responds to the best scientific information available recently obtained from the fishery. Black sea bass are overfished and are currently in a rebuilding plan, and exceeding the ACLs could jeopardize the rebuilding plan. The 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 implementing the sector ACL and the associated requirement for closure of the sector when the ACL is met or projected to be met has already 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 any additional delay in the closure of the recreational black sea bass sector could result in the recreational ACL being exceeded, which would result in another reduced ACL for the recreational sector in the 2012–2013 fishing season, and would produce additional adverse economic impacts for black sea bass fishermen.

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 7, 2011.

**Steven Thur,**

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

[FR Doc. 2011-26499 Filed 10-7-11; 4:15 pm]

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