

(iii) Upon being hailed by the Coast Guard by siren, radio, flashing light or other means, the operator of a vessel shall proceed as directed.

(3)(i) All vessels must obtain permission from the Captain of the Port or his designated representative to enter or move within any safety zone established in this section when the safety zone is enforced.

(ii) Vessels and persons granted permission to enter a safety zone must obey all lawful orders or directions of the Captain of the Port or a designated representative.

(iii) While within a safety zone, all vessels must operate at the minimum speed necessary to maintain a safe course.

(d) *Exemption.* Public vessels, as defined in paragraph (b) of this section, are exempt from the requirements in this section.

(e) *Waiver.* Upon finding that operational conditions or other circumstances are such that application of this section is unnecessary or impractical, the Captain of the Port Buffalo or his designated representative may waive any of the requirements of this section for any vessel.

(f) *Notification.* The Captain of the Port Buffalo will notify the public when the zones in this section will be enforced by all appropriate means. In keeping with 33 CFR 165.7(a), such means of notification may include, but are not limited to Broadcast Notice to Mariners or Local Notice to Mariners and publication of Notices of Enforcement in the **Federal Register**. The Captain of the Port will issue a Broadcast Notice to Mariners notifying the public when enforcement of the safety zones established by this section are in effect and when they are cancelled.

Dated: April 10, 2013.

**S.M. Wischmann,**

*Captain, U.S. Coast Guard, Captain of the Port Buffalo.*

[FR Doc. 2013-09558 Filed 4-22-13; 8:45 am]

**BILLING CODE 9110-04-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 99-25; FCC 12-144]

### Implementation of the Local Community Radio Act of 2010; Revision of Service and Eligibility Rules for Low Power FM Stations

**AGENCY:** Federal Communications Commission.

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

**SUMMARY:** In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection associated with the Commission's Local Community Radio Act of 2010; Revision of Service and Eligibility Rules for Low Power FM Stations, Sixth Report and Order (*Order*) and revisions to Form 318. This notice is consistent with the *Order*, which stated that the Commission would publish a document in the **Federal Register** announcing OMB approval and the effective date of the requirements.

**DATES:** The amendments to 47 CFR 73.807, 73.810, 73.827, 73.850, 73.853, 73.855, 73.860, 73.872, and FCC Form 318, published at 78 FR 2078, January 9, 2013, are effective May 23, 2013.

**FOR FURTHER INFORMATION CONTACT:** Peter Doyle, Media Bureau, Audio Division, at (202) 418-2789, or email [Peter.Doyle@fcc.gov](mailto:Peter.Doyle@fcc.gov) <<mailto:Peter.Doyle@fcc.gov>>.

**SUPPLEMENTARY INFORMATION:** This document announces that, on April 12, 2013, OMB approved the new information collection requirements contained in the Commission's *Order*, FCC 12-144, published at 78 FR 2078, January 9, 2013. The OMB Control Number is 3060-0920. The Commission publishes this notice as an announcement of the effective date of the requirements. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Cathy Williams, Federal Communications Commission, Room 1-C823, 445 12th Street SW., Washington, DC 20554. Please include the OMB Control Number, 3060-0920, in your correspondence. The Commission will also accept your comments via the Internet if you send them to [PRA@fcc.gov](mailto:PRA@fcc.gov) <<mailto:PRA@fcc.gov>>.

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

### Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received OMB approval on April 12, 2013, for the new information collection

requirements contained in the Commission's rules at 47 CFR 73.807, 73.810, 73.827, 73.850, 73.853, 73.855, 73.860, 73.872 and FCC Form 318.

Under 5 CFR 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060-0920.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Pub. L. 104-13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

*OMB Control Number:* 3060-0920.

*OMB Approval Date:* April 12, 2013.

*OMB Expiration Date:* April 30, 2016.

*Title:* Application for Construction Permit for a Low Power FM Broadcast Station; Report and Order in MM Docket No. 99-25 Creation of Low Power Radio Service; §§ 73.807, 73.809, 73.810, 73.827, 73.850, 73.865, 73.870, 73.871, 73.872, 73.877, 73.878, 73.318, 73.1030, 73.1207, 73.1212, 73.1230, 73.1300, 73.1350, 73.1610, 73.1620, 73.1750, 73.1943, 73.3525, 73.3550, 73.3598, 11.61(ii), FCC Form 318.

*Form Number:* FCC Form 318.

*Respondents:* Not-for-profit institutions; State, local or Tribal governments.

*Number of Respondents and Responses:* 21,019 respondents; 27,737 responses.

*Estimated Time per Response:* .0025 to 12 hours.

*Frequency of Response:* Recordkeeping requirement; on occasion reporting requirement; monthly reporting requirement; third party disclosure requirement.

*Obligation to Respond:* Required to obtain or retain benefits. The statutory authority for this information collection is contained in sections 154(i), 303, 308, and 325(a) of the Communications Act of 1934, as amended.

*Total Annual Burden:* 35,471 hours.

*Total Annual Cost:* \$39,750.

*Nature and Extent of Confidentiality:* There is no need for confidentiality with this information collection.

*Privacy Impact Assessment:* No impact(s).

*Needs and Uses:* On December 4, 2012, the FCC released a Sixth Report and Order ("Order"), MM Docket No. 99-25, FCC 12-144. In the Order, the FCC revised § 73.853(b) of the Commission's rules ("rules") to permit

federally recognized Native American Tribes and Alaska Native Villages (“Tribal Nations”) and entities owned or controlled by Native Nations (collectively, “Tribal Nation Applicants”) to hold LPFM licenses. The FCC also revised its definition of local to specify that Tribal Nation Applicants are considered local throughout their Tribal lands. We have revised FCC Form 318 to reflect these changes.

In the Order, the FCC also modified its ownership rules. First, the FCC revised its cross-ownership rule to permit cross-ownership of an LPFM station and up to two FM translator stations. Second, the FCC modified its cross-ownership rule to permit Tribal Nation Applicants to seek up to two LPFM construction permits to ensure adequate coverage of tribal lands. We have revised FCC Form 318 to reflect these changes.

The FCC further modified the point system used to select among mutually exclusive LPFM applicants and set forth in § 73.872 of the rules. First, the FCC revised the “established community presence” criterion to extend the “established community presence” standard in rural areas. Under the earlier version of the rule, an LPFM applicant was deemed to have an established community presence if it was physically headquartered or had a campus within ten miles of the proposed LPFM transmitter site, or if 75 percent of its board members resided within ten miles of the proposed LPFM transmitter site. The FCC changed the standard from ten to twenty miles for all LPFM applicants proposing facilities located outside the top fifty urban markets, for both the distance from transmitter and residence of board member standards. Second, the FCC modified the point system to award a point to Tribal Nation Applicants, when they propose to provide LPFM service to Tribal Nation communities. Third, the FCC established additional points criteria related to maintenance and staffing of a main studio, commitments to locally originate programming and maintain and staff a main studio, and new entry into the broadcasting field. We have revised the Form 318 to reflect these changes to the point system.

The FCC made a number of changes related to time-sharing. It adopted a requirement that parties submit voluntary time-sharing agreements via the Consolidated Database System. It also revised the Commission’s involuntary time-sharing policy. As a result of these changes, an LPFM applicant must submit the date on which it qualified as having an

“established community presence.” The FCC also may require certain LPFM applicants to indicate which 8-hour and 12-hour time slots they prefer. Finally, the FCC adopted a mandatory time-sharing policy similar to that applicable to full-service noncommercial educational FM stations. We have revised the Form 318 to reflect these changes.

Finally, the FCC modified the manner in which it processes requests for waiver of the second-adjacent channel minimum distance separation requirement, amended the rule related to third-adjacent channel interference, and amended the rule that sets forth the obligations of LPFM stations with respect to interference to the input signals of FM translator or FM booster stations. We have revised the Form 318 to reflect these proposed changes.

Federal Communications Commission.

**Gloria J. Miles,**

*Federal Register Liaison, Office of the Secretary, Office of Managing Director.*

[FR Doc. 2013–09545 Filed 4–22–13; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 90

[WT Docket No. 02–55; DA 13–586]

#### Improving Public Safety Communications in the 800 MHz Band; New 800 MHz Band Plan for U.S.-Mexico Sharing Zone

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document establishes a reconfigured 800 MHz band plan for the National Public Safety Planning Advisory Committee Regions bordering Mexico. This action is necessary to meet the Commission’s goals to improve public safety communications in the 800 MHz band. This order ensures an orderly and efficient transition to the new 800 MHz band plan along the Mexico border.

**DATES:** Effective June 24, 2013.

**FOR FURTHER INFORMATION CONTACT:** Brian Marengo, Policy and Licensing Division, Public Safety and Homeland Security Bureau, (202) 418–0838.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Fifth Report and Order, DA 13–586, released on April 1, 2013. The complete text of the Fifth Report and Order 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. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY). It is also available on the Commission’s Web site at <http://www.fcc.gov>.

1. In a July 2004 Report and Order, the Commission reconfigured the 800 MHz band to eliminate interference to public safety and other land mobile communication systems operating in the band, 69 FR 67823, November 22, 2004. The Commission, however, deferred consideration of band reconfiguration plans for the border areas, noting that “implementing the band plan in areas of the United States bordering Mexico and Canada will require modifications to international agreements for use of the 800 MHz band in the border areas.” The Commission stated that “the details of the border plans will be determined in our ongoing discussions with the Mexican and Canadian governments.”

2. In a Second Memorandum Opinion and Order, adopted in May 2007, the Commission delegated authority to the Public Safety and Homeland Security Bureau (Bureau) to propose and adopt border area band plans once agreements are reached with Canada and Mexico, 72 FR 39756, July 20, 2007.

3. On June 8, 2012, the United States and Mexico signed an agreement modifying the international allocation of 800 MHz spectrum along the U.S.-Mexico border enabling the U.S. to proceed with 800 MHz band reconfiguration in regions bordering Mexico.

4. Consequently, on August 17, 2012, the Bureau released a Fourth Further Notice of Proposed Rulemaking seeking comment on establishing and implementing a reconfigured 800 MHz channel plan for the National Public Safety Planning Advisory Committee (NPCPAC) Regions bordering Mexico, 77 FR 52633, August 30, 2012. The Bureau received seven comments and four reply comments.

5. Based on the record, on April 1, 2013, the Bureau released a Fifth Report and Order establishing a reconfigured channel plan for each NPSPAC region bordering Mexico. As with channel plans previously adopted for non-border regions and the Canada border region, the Bureau’s goal is to reconfigure licensees within the band in a manner which separates—to the greatest extent possible—public safety and other non-cellular licensees from licensees in the band that employ cellular technology.