

III. Procedural Matters

A. Paperwork Reduction Act

14. The Memorandum Opinion and Order does not contain new or modified information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA), 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.

B. Final Regulatory Flexibility Act Certification

15. The Regulatory Flexibility Act (“RFA”) requires that agencies prepare a regulatory flexibility analysis for notice-and-comment rulemaking proceedings, unless the agency certifies that “the rule will not have a significant economic impact on a substantial number of small entities. The RFA generally defines “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.” In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act. A small business concern is one which (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).

16. We hereby certify that the forbearance decision in this Memorandum Opinion and Order will not have a significant economic impact on a substantial number of small entities. In this Memorandum Opinion and Order, the Commission eases the regulatory compliance burden on Lifeline-only ETCs by forbearing from the requirement that the service area of a Lifeline-only ETC conform to the service area of any rural telephone company serving the same area. This Memorandum Opinion and Order does not modify any of our reporting requirements. The Commission will send a copy of this Memorandum Opinion and Order, including this certification, to the Chief Counsel for Advocacy of the SBA. In addition, the Memorandum Opinion and Order (or a summary thereof) and certification will be published in the **Federal Register**.

C. Congressional Review Act

17. The Commission will send a copy of this Memorandum Opinion and Order to Congress and the Government Accountability Office pursuant to the Congressional Review Act.

IV. Ordering Clauses

18. *It is ordered* that, pursuant to the authority contained in sections 4(i), 4(j), 10, 201, 214, and 254 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 160, 201, 214, 254, we forbear from applying the conformance requirement of section 214(e)(5) of the Communications Act of 1934, as amended, 47 U.S.C. 214(e)(5), and § 54.207(b) of the Commission’s rules, 47 CFR 54.207(b), to the extent discussed herein.

19. *It is further ordered* that, pursuant to the authority contained in sections 4(i), 4(j), 10, 201, 214, and 254 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 160, 201, 214, 254, the petitions for forbearance filed by Virgin Mobile USA, L.P., Cox Communications, Inc., Time Warner Cable, Inc., I-Wireless, LLC, Q Link Wireless, LLC and Global Connection Inc. of America *are granted* to the extent discussed herein, effective upon release.

20. *It is further ordered* that, except as provided in paragraph 19 above, this Order *shall be effective* June 7, 2013.

Federal Communications Commission.

Marlene H. Dortch,
Secretary.

[FR Doc. 2013–10851 Filed 5–7–13; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 130123063–3423–03]

RIN 0648–BC75

Pacific Halibut Fisheries; Catch Sharing Plan; Correcting Amendment

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

ACTION: Final rule; correcting amendment.

SUMMARY: This action corrects the text of a final rule published on March 15, 2013, that implemented annual management measures governing the Pacific halibut fishery. This final rule established season dates off of Alaska, Washington, Oregon and California. This action is necessary to correct an error in the days of the week listed for the fishing season in the area from Leadbetter Point, WA to Cape Falcon, OR.

DATES: Effective May 8, 2013.

FOR FURTHER INFORMATION CONTACT: Sarah Williams, 206–526–4646.

SUPPLEMENTARY INFORMATION: A final rule published March 15, 2013 (78 FR 16423), included annual management measures for managing the harvest of Pacific halibut (*Hippoglossus stenolepis*) in the sport fishery in International Pacific Halibut Commission (IPHC) Regulatory Area 2A off of Washington, Oregon and California. This correcting amendment revises the season days of the week in the area from Leadbetter Point, WA to Cape Falcon, OR.

Need for Correction

The final rule (78 FR 16423), Section 26, Sport Fishing for Halibut Area 2A, describes dates and days of the week for sport fishing for halibut off Washington, Oregon, and California. For the area from Leadbetter Point, WA to Cape Falcon, OR the days of the week for the season from May 3 to July 28 were listed as Thursday, Friday, Saturday and should have been listed as Friday through Sunday. Friday through Sunday is consistent with the 2013 Pacific Fishery Management Council’s Catch Sharing Plan which describes the structure of the fishery and the proposed rule (78 FR 9660). The incorrect days of the week were inadvertently included in the final rule. “Thursday, Friday, Saturday” is corrected to read “Friday through Sunday” in the corrected text set out below.

On page 16435, paragraph (8)(d)(i), in the third column, is corrected to read as follows:

(i) The fishing season commences on May 3, and continues 3 days a week (Friday through Sunday) until 9,516 lb (4.3 mt) are estimated to have been taken and the season is closed by the Commission or until July 28, whichever is earlier. The fishery will reopen on August 2 and continue 3 days a week (Friday through Sunday) until 2,379 lb (1.1 mt) have been taken and the season is closed by the Commission, or until September 30, whichever is earlier. Subsequent to this closure, if there is insufficient quota remaining in the Columbia River subarea for another fishing day, then any remaining quota may be transferred in-season to another Washington and/or Oregon subarea by NMFS via an update to the recreational halibut hotline. Any remaining quota would be transferred to each state in proportion to its contribution.

Classification

Pursuant to 5 U.S.C. 553(b)(B), the Acting Assistant Administrator for

Fisheries finds there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be unnecessary and contrary to public interest. Notice and comment are unnecessary and contrary to the public interest because this action corrects an inadvertent error in regulations for a fishery that commences on May 3, and immediate notice of the error and correction is necessary to prevent confusion among participants in the fishery that could result from the existing conflict between the Catch Sharing Plan and proposed rule, and the final rule. In addition, this action makes only minor changes to the dates of the fishery and does not alter the total number of days the fishery will be open. These corrections will not affect the results of analyses conducted to support management decisions in the halibut fishery nor change the total catch of halibut. No change in operating practices in the fishery is required. For the same reasons, the Acting AA has determined that good cause exists to waive the 30-day delay in effectiveness pursuant to 5 U.S.C. 553(d).

This final rule complies with the Halibut Act and the Pacific Fishery Management Council's authority to implement allocation measures for the management of the halibut fishery.

Authority: 16 U.S.C. 773 *et seq.*

Dated: May 2, 2013.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, performing the functions and duties of the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2013-10933 Filed 5-3-13; 4:15 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 120306154-2241-02]

RIN 0648-XC651

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

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

ACTION: Temporary rule; inseason General category retention limit adjustment.

SUMMARY: NMFS is adjusting the Atlantic bluefin tuna (BFT) General category daily retention limit to three large medium or giant BFT for June 1 through August 31, 2013. This action is based on consideration of the regulatory determination criteria regarding inseason adjustments, and applies to Atlantic tunas General category (commercial) permitted vessels and Highly Migratory Species (HMS) Charter/Headboat category permitted vessels when fishing commercially for BFT.

DATES: Effective June 1, 2013, through August 31, 2013.

FOR FURTHER INFORMATION CONTACT: Sarah McLaughlin or Brad McHale, 978-281-9260.

SUPPLEMENTARY INFORMATION: Regulations implemented under the authority of the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27 subdivides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) among the various domestic fishing categories, per the allocations established in the 2006 Consolidated Highly Migratory Species Fishery Management Plan (2006 Consolidated HMS FMP) (71 FR 58058, October 2, 2006) and in accordance with implementing regulations. NMFS is required under ATCA and the Magnuson-Stevens Act to provide U.S. fishing vessels with a reasonable opportunity to harvest the ICCAT-recommended quota.

The 2010 ICCAT recommendation regarding western BFT management resulted in baseline U.S. quotas for 2011 and for 2012 of 923.7 mt (not including the 25 mt ICCAT allocated to the United States to account for bycatch of BFT in pelagic longline fisheries in the Northeast Distant Gear Restricted Area). The 2011 BFT quota rule (76 FR 39019, July 5, 2011) implemented the base quota of 435.1 mt for the General category fishery (a commercial tunas fishery in which handgear is used). Each of the General category time periods (January, June through August, September, October through November, and December) is allocated a portion of the annual General category quota. Although NMFS has published proposed quota specifications for 2013 (78 FR 21584, April 11, 2013), the baseline General category subquotas as

codified would not be changed, including the 217.6-mt June through August General category subquota.

The 2013 BFT fishing year, which is managed on a calendar-year basis and subject to an annual calendar-year quota, began January 1, 2013. The General category season, which was open January 1 through February 15, 2013, resumes on June 1, 2013, and continues through December 31, 2013. Unless changed, the General category daily retention limit would be the default retention limit of one large medium or giant BFT (measuring 73 inches (185 cm) curved fork length (CFL) or greater) per vessel per day/trip (§ 635.23(a)(2)). This default retention limit applies to General category permitted vessels and to HMS Charter/Headboat category permitted vessels when fishing commercially for BFT.

For the 2012 fishing year, NMFS adjusted the General category limit from the default level of one large medium or giant BFT as follows: Two large medium or giant BFT for January (76 FR 76900, December 9, 2011), and three large medium or giant BFT for June through August (77 FR 28496, May 15, 2012), and three large medium or giant BFT for September through December (77 FR 53150, August 31, 2012). In December 2012, NMFS transferred 40 mt of BFT quota from the Reserve category to the General category for the remainder of 2012 and adjusted the daily retention limit for the 2013 January subquota period from the default level of one large medium or giant BFT to two large medium or giant BFT (77 FR 74612, December 17, 2012). That retention limit was effective from January 1, 2013, until February 15, 2013, when NMFS closed the fishery because the January subquota had been met (78 FR 11788, February 20, 2013).

Adjustment of General Category Daily Retention Limit

Under § 635.23(a)(4), NMFS may increase or decrease the daily retention limit of large medium and giant BFT over a range of zero to a maximum of five per vessel based on consideration of the relevant criteria provided under § 635.27(a)(8), which include: The usefulness of information obtained from catches in the particular category for biological sampling and monitoring of the status of the stock; effects of the adjustment on BFT rebuilding and overfishing; effects of the adjustment on accomplishing the objectives of the fishery management plan; variations in seasonal BFT distribution, abundance, or migration patterns; effects of catch rates in one area precluding vessels in another area from having a reasonable