

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MB Docket No. 07–296, adopted January 27, 2010, and released January 29, 2010. The full text of this Commission document is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW., Washington, DC.

The complete text of this decision may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, SW, Room CY–B402, Washington, DC 20554, 800–378–3160 or via the company's website, <<http://www.bcpiweb.com>>.

The Notice of Proposed Rule Making also included an Order to Show Cause directed to the licensee of Station WFLQ(FM), French Lick, Indiana, to show cause why its license should not be modified to specify operation on Channel 229A in lieu of Channel 261A. See 73 FR 50296, published August 26, 2008. Although Station WFLQ(FM) argued that it should not be required to change channels, the Report and Order found that the station had not raised a substantial and material question of fact that would warrant a hearing on this issue. The document also states that the ultimate permittee of Channel 261A at Irvington, Kentucky, will be required to reimburse Station WFLQ(FM), French Lick, Indiana, for its reasonable and prudent costs associated with the involuntary channel change at French Lick. The reference coordinates for Channel 261A at Irvington are 37–56–52 NL and 86–24–54 WL. The reference coordinates for Channel 229A at French Lick are 38–35–41 NL and 86–36–48 WL. Finally, because Station WFLQ(FM) is a licensed station, the channel substitution at French Lick will be updated in the Commission's Consolidated Data Base System [CDBS].

This document does not contain new or modified information collection requirements 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, Public Law 107–198, see 44 U.S.C. 3506(c)(4).

The Commission will send a copy of this Report & Order 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).

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

#### List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ As stated in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

#### PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336.

##### § 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Kentucky, is amended by adding Irvington, Channel 261A.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief,*

*Audio Division,*

*Media Bureau.*

[FR Doc. 2010–4364 Filed 3–2–10; 8:45 am]

**BILLING CODE 6712–01–S**

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

#### 50 CFR Part 600

[Docket No. 071220872–0093–04]

RINs 0648–AS71 and 0648–AU71

##### Magnuson-Stevens Act Provisions; Correction

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

**ACTION:** Final rule; correcting amendment.

**SUMMARY:** This rule amends general provisions for domestic fisheries in the western Pacific to correct errors that resulted from two recent rules. This action is necessary to remedy missing information, out of date administrative references, and a misspelling.

**DATES:** Effective March 3, 2010.

**FOR FURTHER INFORMATION CONTACT:** Bob Harman, Pacific Islands Region, NMFS, 808 944–2271.

**SUPPLEMENTARY INFORMATION:** On November 21, 2008, NMFS published in the **Federal Register** a final rule (73 FR 70600) designating three species of pelagic squid as management unit species under the Fishery Management Plan for Pelagic Species of the Western

Pacific Region (FMP). That rule also established permitting and reporting requirements, and authorization for NMFS to place observers on squid fishing vessels. This final rule was effective December 22, 2008, except for the collection-of-information requirements, which were effective October 5, 2009 (74 FR 45756, September 4, 2009).

The final rule that included squid jig fishing in the FMP inadvertently omitted an instruction to revise the table of authorized fishing gear at 50 CFR 600.725(v). The rule established squid as management unit species in the definition of western Pacific pelagic management unit species (50 CFR 665.800). The rule authorized squid jig fishing (50 CFR 665.801(g)), and defined squid jig gear (50 CFR 665.800). The rule also set restrictions on the use of squid jig gear (50 CFR 665.14(b), 665.808, and 665.802(z)). By these actions, squid jig gear and fishing are authorized and managed. However, the rule did not include this authorized fishing gear in the table at 50 CFR 600.725(v), which provides a complete list of all authorized fishing gear in the FEPs. The rule should have added an entry to include squid jig as an authorized gear in the squid jig fishery in item 7 (western Pacific pelagic fisheries in the FMP) of section VIII (fisheries under the jurisdiction of the Western Pacific Fishery Management Council) in that table. This final rule corrects that error, and no substantive changes are made to the regulations.

Additionally, on January 14, 2010, NMFS published in the **Federal Register** a final rule (75 FR 2198) restructuring western Pacific fishery regulations at 50 CFR part 665 to be consistent with five new area-specific fishery ecosystem plans (FEP). The FEPs were established as FMPs, consistent with the Magnuson-Stevens Fishery Conservation and Management Act. In that rule, no substantive changes were made to the regulations. NMFS also restructured western Pacific regulations to be consistent with the area-specific organization of the FEPs, and changed administrative references in western Pacific regulations from “FMP” to “FEP.” That final rule was effective February 16, 2010.

That final rule inadvertently omitted an instruction to revise the table of authorized fishing gear at 600.725(v) to change references from “FMP” to “FEP” in section VIII (fisheries under the jurisdiction of the Western Pacific Fishery Management Council). This final rule corrects those administrative references; no substantive changes are made to the regulations.

This rule also corrects the spelling of the word “fishery,” which was misspelled as “fisher” in item 7.A of section VIII of the table.

**Classification**

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator for Fisheries, NOAA, (AA) finds good cause to waive prior notice and opportunity for public comment, as such notice and comment would be unnecessary. These procedures are unnecessary because the regulations were subject to notice and comment when originally implemented, and no substantive changes are being made pursuant to this final rule. The only actions currently being taken are to remedy missing or incorrect administrative information. Pursuant to 5 U.S.C. 553(d), the 30-day delay in

effectiveness does not apply to this rule because it is not a substantive rule.

Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act are inapplicable. Therefore, a final regulatory flexibility analysis is not required and one has not been prepared. This rule is exempt from review under Executive Order 12866.

**List of Subjects in 50 CFR Part 600**

Authorized fishing gear, Fisheries, Fishing, Western Pacific.

Dated: February 25, 2010.

**Eric C. Schwaab,**  
Assistant Administrator for Fisheries,  
National Marine Fisheries Service.

■ For the reasons set out in the preamble, 50 CFR part 600 is correctly amended as follows:

**PART 600—MAGNUSON-STEVENS ACT PROVISIONS**

■ 1. The authority citation for part 600 continues to read as follows:

**Authority:** 16 U.S.C. 1801 *et seq.*

■ 2. In the table at § 600.725(v), revise the entries in section VIII for western Pacific Fisheries to read as follows:

**§ 600.725. General prohibitions.**

\* \* \* \* \*  
(v) \* \* \*

Fishery	Authorized gear types
* * * * *	
VIII. Western Pacific Fishery Management Council	
1. Western Pacific Crustacean Fishery (FMP) (Fishery Ecosystem Plan, FEP)	Trap, hand harvest, hoop net.
2. Western Pacific Crustacean Fishery (Non-FEP):	
A. Commercial fishery	A. Gillnet, hand harvest, hoop net, spear, snare, trap, trawl.
B. Recreational fishery	B. Gillnet, hand harvest, hoop net, spear, snare, trap.
C. Charter fishery	C. Hand harvest, spear.
3. Western Pacific Precious Corals Fishery (FEP):	
A. Tangle net dredge fishery	A. Tangle net dredge.
B. Submersible fishery	B. Submersible.
C. Dive fishery	C. Hand harvest.
D. Recreational fishery	D. Hand harvest.
4. Western Pacific Precious Corals Fishery (Non-FEP)	Hand harvest, submersible, tangle net dredge.
5. Western Pacific Bottomfish and Seamount Groundfish Fishery (FEP):	
A. Bottomfish hook-and-line fishery	A. Bandit gear, buoy gear, handline, hook and line, rod and reel, hand harvest.
B. Seamount groundfish fishery	B. Longline, trawl.
C. Bottom longline fishery	C. Longline, hook and line.
D. Trap fishery	D. Trap.
E. Spear fishery	E. Spear, powerhead.
6. Western Pacific Bottomfish and Seamount Groundfish Fishery (Non-FEP):	
A. Commercial fishery	A. Bandit gear, buoy gear, gillnet, handline, hook-and-line, longline, rod and reel, spear, trap.

Fishery	Authorized gear types
B. Recreational fishery	B. Bandit gear, buoy gear, Gillnet, handline, hook and line, longline, rod and reel, spear, trap, slurp gun, hand harvest.
C. Charter fishery	C. Bandit gear, buoy gear, handline, hook-and-line, rod and reel, spear.
7. Western Pacific Pelagics Fishery (FEP):	
A. Longline Fishery	A. Longline.
B. Hook and line fishery	B. Bandit gear, buoy gear, handline, hook and line, rod and reel.
C. Purse seine fishery	C. Lampara net, purse seine.
D. Spear fishery	D. Spear, powerhead.
E. Squid jig fishery	E. Squid jig.
8. Western Pacific Pelagics Fishery (Non-FEP):	
A. Recreational fishery	A. Bandit gear, buoy gear, dip net, handline, hook and line, hoop net, powerhead, rod and reel, spear.
B. Commercial fishery	B. Bandit gear, buoy gear, dip net, handline, hook and line, hoop net, powerhead, rod and reel, spear.
C. Charter fishery	C. Bandit gear, buoy gear, dip net, handline, hook and line, hoop net, powerhead, rod and reel, spear.
9. Western Pacific Coastal Pelagics Fishery (Non-FEP)	Bandit gear, buoy gear, dip net, gillnet, handline, hook and line, hoop net, lampara net, purse seine, rod and reel, spear.
10. Western Pacific Squid and Octopus Fishery (Non-FEP)	Bandit gear, hand harvest, hook and line, rod and reel, spear, trap.
11. Western Pacific Coral Reef Fishery (Non-FEP)	Allowable chemical, barrier net, dip net, gillnet, hand harvest, seine, slurp gun, trap, spear, rod and reel, hook and line.
12. Recreational Fishery (Non-FEP)	Rod and reel, hook and line, handline, hand harvest, spear.
13. Commercial Fishery (Non-FEP)	Trawl, gillnet, hook and line, longline, handline, rod and reel, bandit gear, cast net, spear.
* * * * *	

[FR Doc. 2010-4397 Filed 2-26-10; 4:15 pm]

BILLING CODE 3510-22-S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 0910091344-9056-02]

RIN 0648-XU73

#### Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska

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

**ACTION:** Temporary rule; modification of a closure.

**SUMMARY:** NMFS is opening directed fishing for pollock in Statistical Area 630 of the Gulf of Alaska (GOA). This action is necessary to fully use the A season allowance of the 2010 total allowable catch (TAC) of pollock in Statistical Area 630 of the GOA.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), February 28, 2010, through 1200 hrs, A.l.t., March 2, 2010. Comments must be received at the following address no later than 4:30 p.m., A.l.t., March 15, 2010.

**ADDRESSES:** Send comments to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Sebastian. You may submit comments, identified by RIN 0648-XU73, by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal: <http://www.regulations.gov>.
- Mail: P.O. Box 21668, Juneau, AK 99802.
- Fax: (907) 586-7557.
- Hand delivery to the Federal Building: 709 West 9th Street, Room 420A, Juneau, AK.

All comments received are a part of the public record. No comments will be posted to <http://www.regulations.gov> for public viewing until after the comment period has closed. Comment will generally be posted without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

**FOR FURTHER INFORMATION CONTACT:** Josh Keaton, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

NMFS closed directed fishing for pollock in Statistical Area 630 of the GOA under § 679.20(d)(1)(iii) on February 5, 2010 (75 FR 6589 February 10, 2010).

As of February 24, 2010, NMFS has determined that approximately 3,659 metric tons of pollock remain in the directed fishing allowance for pollock in Statistical Area 630 of the GOA. Therefore, in accordance with § 679.25(a)(1)(i), (a)(2)(i)(C), and (a)(2)(iii)(D), and to fully utilize the A season allowance of the 2010 TAC of pollock in Statistical Area 630 of the GOA, NMFS is terminating the previous closure and is reopening directed fishing pollock in Statistical Area 630 of the GOA. The Administrator, Alaska Region (Regional Administrator) considered the following factors in reaching this decision: (1) the current catch of pollock in Statistical Area 630 of the GOA and, (2) the harvest capacity and stated intent on future harvesting patterns of vessels in participating in this fishery. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will be reached after 48 hours. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 630 of the GOA effective 1200 hrs, A.l.t., March 2, 2010.

#### Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (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 requirement is impracticable and contrary to the public

interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the opening of pollock in Statistical Area 630 of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of February 24, 2010.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

Without this inseason adjustment, NMFS could not allow the fishery for pollock in Statistical Area 630 of the GOA to be harvested in an expedient manner and in accordance with the regulatory schedule. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until March 15, 2010.

This action is required by § 679.20 and § 679.25 and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: February 25, 2010.

**James P. Burgess,**

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

[FR Doc. 2010-4392 Filed 2-26-10; 4:15 pm]

BILLING CODE 3510-22-S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 0910091344-9056-02]

RIN 0648-XU79

#### Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting directed fishing for pollock in Statistical Area 610 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season allowance of the 2010 total allowable catch (TAC) of pollock for Statistical Area 610 in the GOA.