

2531, 2532, 2533, and 2534, respectively.

Dated: August 24, 2010.

**Wilsie Minor,**

*Acting General Counsel.*

[FR Doc. 2010-21488 Filed 9-8-10; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Telecommunications and Information Administration

#### 47 CFR Part 300

[Docket Number 100831418-0418-01]

RIN 0660-AA22

#### Revision to the Manual of Regulations and Procedures for Federal Radio Frequency Management

**AGENCY:** National Telecommunications and Information Administration, U.S. Department of Commerce.

**ACTION:** Final rule.

**SUMMARY:** The National Telecommunications and Information Administration (NTIA) hereby makes certain changes to its regulations, which relate to the public availability of the Manual of Regulations and Procedures for Federal Radio Frequency Management (NTIA Manual). Specifically, NTIA updates the version of the Manual of Regulations and Procedures for Federal Radio Frequency Management with which federal agencies must comply when requesting use of the radio frequency spectrum.

**DATES:** *Effective Date:* This regulation is effective on September 9, 2010. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of September 9, 2010.

**ADDRESSES:** A reference copy of the NTIA Manual, including all revisions in effect, is available in the Office of Spectrum Management, 1401 Constitution Avenue, NW., Room 1087, Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:** William Mitchell, Office of Spectrum Management at (202) 482-8124 or [wmitchell@ntia.doc.gov](mailto:wmitchell@ntia.doc.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

NTIA authorizes the U.S. Government's use of the radio frequency spectrum. 47 U.S.C. 902(b)(2)(A). As part of this authority, NTIA developed the NTIA Manual to provide further guidance to applicable federal agencies. The NTIA Manual is the compilation of

policies and procedures that govern the use of the radio frequency spectrum by the U.S. Government. Federal government agencies are required to follow these policies and procedures in their use of the spectrum.

Part 300 of title 47 of the Code of Federal Regulations provides information about the process by which NTIA regularly revises the NTIA Manual and makes public this document and all revisions. Federal agencies are required to comply with the specifications in the NTIA Manual when requesting frequency assignments for use of the radio frequency spectrum. See 47 U.S.C. 901 *et seq.*, Executive Order 12046 (March 27, 1978), 43 FR 13349, 3 CFR 1978 Comp. at 158.

This rule updates section 300.1(b) of title 47 of the Code of Federal Regulations to specify the version of the NTIA Manual with which federal agencies must comply when requesting frequency assignments for use of the radio frequency spectrum. In particular, this rule amends section 300.1(b) by replacing "September 2009" with "May 2010." See Revision to the Manual of Regulations and Procedures for Federal Radio Frequency Management, 75 FR 6818 (Feb. 11, 2010) (revising the Manual through September 2009). Upon the effective date of this rule, federal agencies must comply with the requirements set forth in the January 2008 edition of the NTIA Manual, as revised through May 2010.

The NTIA Manual is scheduled for revision in January, May, and September of each year and is submitted to the Director of the Federal Register for Incorporation by Reference approval. The Director of the Federal Register approved this incorporation by reference in accordance with 5 U.S.C. 552(a) and part 51 of title 1 of the Code of Federal Regulations. The NTIA Manual is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, by referring to Catalog Number 903-008-0000-8. A reference copy of the NTIA Manual, including all revisions in effect, is available in the Office of Spectrum Management, 1401 Constitution Avenue, NW., Room 1087, Washington, DC 20230, or call William Mitchell on (202) 482-8124, and available online at <http://www.ntia.doc.gov/osmhome/redbook/redbook.html>. The NTIA Manual is also on file at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to [http://www.archives.gov/federal\\_register/](http://www.archives.gov/federal_register/)

[code\\_of\\_federal\\_regulations/ibr\\_locations.html](#).

#### Paperwork Reduction Act

This action does not contain collection of information requirements subject to the Paperwork Reduction Act (PRA). Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the PRA, unless that collection displays a currently valid OMB Control Number.

#### Executive Order 12866

This rule has been determined to be not significant for purposes of Executive Order 12866.

#### Administrative Procedure Act/Regulatory Flexibility Act

NTIA finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and opportunity for public comment as it is unnecessary. This action amends the regulations to include the date of the most current version of the NTIA Manual. These changes do not impact the rights or obligations of the public. The NTIA Manual applies only to federal agencies. Because these changes impact only federal agencies, NTIA finds it unnecessary to provide for the notice and comment requirements of 5 U.S.C. 553. NTIA also finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness for the reasons provided above. 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 (5 U.S.C. 601 *et seq.*) are not applicable. Therefore, a regulatory flexibility analysis is not required and has not been prepared.

#### Executive Order 13132

This rule does not contain policies having federalism implications as that term is defined in EO 13132.

#### Regulatory Text

##### List of Subjects in 47 CFR Part 300

Incorporation by reference; Radio.

■ For the reasons set forth in the preamble, NTIA amends title 47, Part 300 as follows:

#### PART 300—MANUAL OF REGULATIONS AND PROCEDURES FOR FEDERAL RADIO FREQUENCY MANAGEMENT

1. The authority citation for part 300 continues to read as follows:

**Authority:** 47 U.S.C. 901 *et seq.*, Executive Order 12046 (March 27, 1978), 43 FR 13349, 3 CFR 1978 Comp., p. 158.

■ 2. Section 300.1 (b) is revised to read as follows:

**§ 300.1 Incorporation by reference of the Manual of Regulations and Procedures for Federal Radio Frequency Management.**

\* \* \* \* \*

(b) The federal agencies shall comply with the requirements set forth in the January 2008 edition of the NTIA Manual, as revised through May 2010, which is incorporated by reference with approval of the Director, Office of the **Federal Register** in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

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Dated: September 2, 2010.

**Lawrence E. Strickling,**

*Assistant Secretary for Communications and Information.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 660**

[Docket No. 100218107-0199-01]

RIN 0648-XY08

**Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions #9, #10, and #11**

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

**ACTION:** Modification of fishing seasons, gear restrictions, and landing and possession limits; request for comments.

**SUMMARY:** NOAA Fisheries announces three inseason actions in the ocean salmon fisheries. Inseason actions #9 and #11 modified the commercial fishery in the area from U.S./Canada Border to Cape Falcon, Oregon. Inseason action #10 modified the recreational fishery in the areas from U.S. Canada Border to Cape Alava (Neah Bay Subarea), Cape Alava to Queets River (La Push Subarea), and Queets River to Leadbetter Point (Westport Subarea).

**DATES:** Inseason action #9 was effective on July 16, 2010. Inseason action #10 was effective on July 23, 2010. Inseason action #11 was effective on July 30, 2010. Inseason actions #9, #10, and #11 remain in effect until the closing date of

the 2010 salmon season announced in the 2010 annual management measures or through additional inseason action. Comments will be accepted through September 24, 2010.

**ADDRESSES:** You may submit comments, identified by 0648-XY08, by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>
- Fax: 206-526-6736, Attn: Peggy Busby
- Mail: 7600 Sand Point Way NE, Building 1, Seattle, WA, 98115

Instructions: No comments will be posted for public viewing until after the comment period has closed. All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> 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:** Peggy Busby, by phone at 206-526-4323.

**SUPPLEMENTARY INFORMATION:** In the 2010 annual management measures for ocean salmon fisheries (75 FR 24482, May 5, 2010), NMFS announced the commercial and recreational fisheries in the area from the U.S./Canada Border to the U.S./Mexico Border, beginning May 1, 2010.

The Regional Administrator (RA) consulted with representatives of the Council, Washington Department of Fish and Wildlife, and Oregon Department of Fish and Wildlife on July 15, 2010. The information considered during this consultation related to Chinook and coho salmon catch to date and Chinook and coho salmon catch rates compared to quotas and other management measures established preseason.

Inseason action #9 increased the landing and possession limits for the commercial salmon fishery from the U.S./Canada Border to Cape Falcon, Oregon. The open period landing and possession limits of 40 Chinook salmon and 30 coho per vessel, imposed by inseason action #6 (75 FR 51183, August 19, 2010), were increased to 60 Chinook

salmon and 50 coho per vessel north of Leadbetter Point or 60 Chinook salmon and 50 coho per vessel south of Leadbetter Point. This action was taken because salmon catch rates had been lower than expected due to poor weather conditions that had limited fishery participation. There was concern that if landing and possession limits were not increased there would be lost opportunity to utilize available salmon quota. On July 15, 2010, the states recommended this action and the RA concurred; inseason action #9 took effect on July 16, 2010. Modification of quota and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

The RA consulted with representatives of the Council, Washington Department of Fish and Wildlife, and Oregon Department of Fish and Wildlife on July 20, 2010. The information considered during this consultation related to catch to date for Chinook and coho salmon and Chinook and coho salmon catch rates compared to quotas and other management measures established preseason for the recreational fishery.

Inseason action #10 modified fishery openings in the recreation fisheries in Neah Bay, La Push, and Westport subareas. Openings described in the 2010 annual management measures were Tuesday through Saturday for Neah Bay and La Push subareas, and Sunday through Thursday for the Westport subarea. Inseason action #10 changed these 5-day openings to 7-day openings. This action was taken to provide more opportunity for recreational fishing as fishing effort had been low, due largely to poor weather conditions. Low fishing effort resulted in unutilized Chinook and coho salmon quota in these subareas. On July 20, 2010, the states recommended this action and the RA concurred; inseason action #10 took effect on July 23, 2010. Modification of quota and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

The RA consulted with representatives of the Council, Washington Department of Fish and Wildlife, and Oregon Department of Fish and Wildlife on July 29, 2010. The information considered during this consultation related to catch to date for Chinook and coho salmon and Chinook and coho salmon catch rates compared to quotas and other management measures established preseason for the fishery.

Inseason action #11 increased the landing and possession limit for Chinook salmon in the commercial salmon fishery from the U.S./Canada Border to Cape Falcon, Oregon;