

15289 (2007)) (Second Report and Order). The National Public Safety Telecommunications Council (NPSTC) is removed from the board. The Forestry Conservation Communications Association (FCCA), the American Association of State Highway and Transportation Officials (AASHTO), and the International Municipal Sign Association (IMSA) are added to the board. The board's at-large members, jointly selected on delegated authority by the Commission's Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau, are increased from two to four. These changes increase the total number of board members from eleven to fifteen.

**DATES:** Effective October 2, 2007.

**FOR FURTHER INFORMATION CONTACT:**

Carol Simpson, Public Safety and Homeland Security Bureau, at (202) 418-2391, or *Jerry.Cowden@fcc.gov*.

**SUPPLEMENTARY INFORMATION:**

*Background.* On July 31, 2007, the Commission adopted a Second Report and Order revising the rules governing the upper 700 MHz band. In the Second Report and Order, the Commission redesignated ten megahertz of public safety 700 MHz spectrum (763-768/793-798 MHz) for the purpose of establishing a nationwide, interoperable broadband public safety communications network. In this regard, the Commission established a single nationwide license for this spectrum—the Public Safety Broadband License. Further, the Commission stated that it would assign this license to a single entity—the Public Safety Broadband Licensee (PSBL).

The Second Report and Order established certain criteria for the Public Safety Broadband Licensee eligibility, including that no commercial interest may be held in the PSBL, no commercial interest may participate in the management of the PSBL, the PSBL must be a non-profit organization, and the PSBL must be broadly representative of the public safety community. Further, the Second Report and Order requires that the PSBL be governed by a voting board consisting of eleven members, one each from the nine organizations representative of public safety listed below, and two at-large members selected by the Public Safety and Homeland Security Bureau and the Wireless Telecommunications Bureau, jointly on delegated authority. The nine organizations that are to be represented on the board, with each organization represented by one voting board member, are: The Association of Public Safety Communications Officials (APCO); the National Emergency

Number Association (NENA); the International Association of Chiefs of Police (IACP); the International Association of Fire Chiefs (IAFC); the National Sheriffs' Association; the International City/County Management Association (ICMA); the National Governor's Association (NGA); the National Public Safety Telecommunications Council (NPSTC); and the National Association of State Emergency Medical Services Officials (NASEMSO).

On September 14, 2007, representatives of FCCA, AASHTO, and IMSA filed a notice of ex parte presentation recommending that the Commission, on its own motion, add FCCA, AASHTO, and IMSA as voting members to the PSBL board of directors. For the reasons discussed below, the Commission makes certain changes to the composition of the PSBL board of directors on our own motion.

*Discussion.* As noted above, one of our main criteria for the PSBL is that it be as broadly representative of the public safety community as possible. While the original nine organizations the Commission named would provide a substantial degree of such representation, the Commission finds that making the following changes to the board of directors would further serve this particular criterion and the public interest. First, the Commission names FCCA, AASHTO, and IMSA as additional organizations to be represented on the board as voting members. FCCA was established in 1944 and coordinates frequencies within the Forestry—Conservation spectrum. In this capacity, FCCA provides services for forestry and conservation, police, fire, EMS and local government agencies. AASHTO represents highway and transportation departments in all 50 states, the District of Columbia, and Puerto Rico, including the air, highway, public transportation, rail, and water transportation modes. IMSA dates back to 1896 and offers programs in a variety of public safety disciplines including public safety telecommunications, traffic control, work zone safety, and fire detection and reporting systems. Based on the particular expertise each of these organizations represents, the Commission finds that inclusion of these three organizations would further help to broaden representation of the public safety community in the PSBL board of directors.

Second, because FCCA, AASHTO, and IMSA are members of NPSTC, the Commission will remove NPSTC as one of the named organizations that may be represented as a voting member of the PSBL. Finally, the Commission finds

that increasing the number of at-large members from the current two to four would provide additional flexibility to maximize the effectiveness of the PSBL. Accordingly, four at-large members will be selected by the Public Safety and Homeland Security Bureau and the Wireless Telecommunications Bureau, jointly on delegated authority. This will bring the total number of board members to fifteen.

*Ordering Clauses.* Accordingly, *it is ordered* that pursuant to sections 1, 2, 4(i), 5(c), 7, 10, 201, 202, 208, 301, 302, 303, 307, 308, 309, 310, 314, 316, 319, 324, 332, 333, 337 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 155(c), 157, 160, 201, 202, 208, 301, 302, 303, 307, 308, 309, 310, 314, 316, 319, 324, 332, 333, 337 and 403, this order on reconsideration in WT Docket No. 06-150, CC Docket No. 94-102, WT Docket No. 01-309, WT Docket No. 03-264, WT Docket No. 06-169, PS Docket No. 06-229, and WT Docket No. 96-86 is adopted.

*It is further ordered that*, that pursuant to 5 U.S.C. 553(d)(3) and 47 CFR 1.427(b), this order on reconsideration will become effective upon publication in the **Federal Register**.

*It is further ordered that*, pursuant to Section 5(c) of the Communications Act of 1934, as amended, 47 U.S.C. 5(c), the Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau are granted delegated authority to implement the policies set forth in this order on reconsideration.

Federal Communications Commission.

**William F. Caton,**

*Deputy Secretary.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 070213033-7033-01]

RIN 0648-XD00

#### Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Pot Gear in the Bering Sea and Aleutian Islands Management Area

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting directed fishing for Pacific cod by catcher vessels using pot gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2007 directed fishing allowance (DFA) of Pacific cod specified for catcher vessels using pot gear in the BSAI.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), September 28, 2007, until 1200 hrs, A.l.t., December 31, 2007.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Hogan, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (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.

The 2007 Pacific cod TAC allocated to catcher vessels using pot gear in the BSAI as a DFA of 12,129 metric tons is established by the 2007 and 2008 final harvest specifications for groundfish in the BSAI (72 FR 9451, March 2, 2007) and a reallocation (72 FR 52493, September 14, 2007). See § 679.20(c)(3)(iii) and (c)(5), and (a)(7)(i)(C).

In accordance with § 679.20(d)(1)(iii), the Administrator, Alaska Region, NMFS, has determined that the 2007 Pacific cod TAC allocated to catcher vessels using pot gear in the BSAI has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by catcher vessels using pot gear in the BSAI.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

#### 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 closure of Pacific cod by catcher vessels using pot gear in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of September 26, 2007.

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.

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

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

Dated: September 26, 2007.

**James P. Burgess**

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

[FR Doc. 07-4856 Filed 9-27-07; 2:13 pm]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 070213033-7033-01]

RIN 0648-XC99

#### Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processor Vessels Using Pot Gear in the Bering Sea and Aleutian Islands Management Area

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting directed fishing for Pacific cod by catcher processor vessels using pot gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2007 directed fishing allowance (DFA) of Pacific cod specified for catcher processor vessels using pot gear in the BSAI.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), September 28, 2007, until 1200 hrs, A.l.t., December 31, 2007.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Hogan, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI according to the Fishery

Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (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.

The 2007 Pacific cod TAC allocated to catcher processor vessels using pot gear in the BSAI as a DFA of 2,668 metric tons is established by the 2007 and 2008 final harvest specifications for groundfish in the BSAI (72 FR 9451, March 2, 2007) and a reallocation (72 FR 52493, September 14, 2007). See § 679.20(c)(3)(iii) and (c)(5), and (a)(7)(i)(C).

In accordance with § 679.20(d)(1)(iii), the Administrator, Alaska Region, NMFS, has determined that the 2007 Pacific cod TAC allocated to catcher processor vessels using pot gear in the BSAI has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by catcher processor vessels using pot gear in the BSAI.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

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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.

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