

agencies and organizations, the telecommunications industry and FCC licensees on homeland security matters; and, as requested, represents the Commission at meetings and conferences.

(f) Is authorized to declare that a temporary state of communications emergency exists pursuant to § 97.401(b) of this chapter and to act on behalf of the Commission with respect to the operation of amateur stations during such temporary state of communications emergency.

* * * * *

■ 6. Section 0.185 is amended by revising the undesignated introductory paragraph and paragraphs (a) and (d), and by adding paragraph (e) to read as follows:

§ 0.185 Responsibilities of the bureaus and staff offices.

The head of each of the bureaus and staff offices, in rendering assistance to the Chief, Enforcement Bureau in the performance of that person's duties with respect to homeland security, national security and emergency preparedness, and defense activities will have the following duties and responsibilities:

(a) To keep the Chief, Enforcement Bureau informed of the investigation, progress, and completion of programs, plans, or activities with respect to homeland security, national security and emergency preparedness, and defense in which they are engaged or have been requested to engage.

* * * * *

(d) To perform such other duties related to the Commission's homeland security, national security and emergency preparedness, and defense activities as may be assigned to them by the Commission.

(e) To serve as Homeland Security Liaison to the Enforcement Bureau or designate the Deputy Chief of the Bureau or Office as Homeland Security Liaison to the Enforcement Bureau.

■ 7. Section 0.186 is revised to read as follows:

§ 0.186 Emergency Relocation Board.

(a) As specified in the Commission's Continuity of Operations Plan and consistent with the exercise of the War Emergency Powers of the President as set forth in section 706 of the Communications Act of 1934, as amended, if the full Commission or a quorum thereof is unable to act, an Emergency Relocation Board will be convened at the Commission's Headquarters or other relocation site designated to serve as Primary FCC Staff to perform the functions of the

Commission. Relocation may be required to accommodate a variety of emergency scenarios. Examples include scenarios in which FCC headquarters is unavailable or uninhabitable; or many, if not all, agencies must evacuate the immediate Washington, DC, area. The FCC's Continuity of Operations Plan (COOP) includes the deliberate and pre-planned movement of selected key principals and supporting staff to a relocation facility. As an example, a sudden emergency, such as a fire or hazardous materials incident, may require the evacuation of FCC headquarters with little or no advance notice, but for only a short duration. Alternatively, an emergency so severe that FCC headquarters is rendered unusable and likely will be for a period long enough to significantly impact normal operations, may require COOP implementation. Nothing in this subsection shall be construed to diminish the authority of the Commission or its staff to perform functions of the Commission at the Commission's headquarters or other relocation site using existing authority provided for elsewhere in this Chapter.

(b) The Board shall comprise such Commissioners as may be present (including Commissioners available through electronic communications or telephone) and able to act. In the absence of the Chairman, the Commissioner present with the longest seniority in office will serve as acting Chairman. If no Commissioner is present and able to act, the person designated as next most senior official in the Commission's Continuity of Operations Plan will head the Board.

■ 8. Section 0.381 is revised to read as follows:

§ 0.381 Defense Commissioner.

The authority delegated to the Commission under Executive Orders 12472 and 12656 is redelegated to the Defense Commissioner.

■ 9. Section 0.387 is amended by revising paragraph (b) to read as follows:

§ 0.387 Other national security and emergency preparedness delegations; cross reference.

* * * * *

(b) For authority of the Chief of the Enforcement Bureau to declare a general communications emergency, see § 0.182(f).

PART 11—EMERGENCY ALERT SYSTEM (EAS)

■ 10. The authority citation for Part 11 continues to read as follows:

Authority: 47 U.S.C. 151, 154(i) and (o), 303(r), 544(g) and 606.

■ 11. Section 11.21 is amended by revising the undesignated introductory paragraph to read as follows:

§ 11.21 State and Local Area Plans and FCC Mapbook.

EAS plans contain guidelines which must be followed by broadcast and cable personnel, emergency officials and National Weather Service (NWS) personnel to activate the EAS. The plans include the EAS header codes and messages that will be transmitted by key EAS sources (NP, LP, SP and SR). State and local plans contain unique methods of EAS message distribution such as the use of RBDS. The plans must be reviewed and approved by the Director, Office of Homeland Security, Enforcement Bureau, prior to implementation to ensure that they are consistent with national plans, FCC regulations, and EAS operation.

* * * * *

■ 12. Section 11.43 is revised to read as follows:

§ 11.43 National level participation.

Entities that wish to voluntarily participate in the national level EAS may submit a written request to the Director, Office of Homeland Security, Enforcement Bureau.

■ 13. Section 11.47 is amended by revising paragraph (b) to read as follows:

§ 11.47 Optional use of other communications methods and systems.

* * * * *

(b) Other technologies and public service providers, such as DBS, low earth orbiting satellites, etc., that wish to participate in the EAS may contact the FCC's Office of Homeland Security, Enforcement Bureau, or their State Emergency Communications Committee for information and guidance.

[FR Doc. 04-11918 Filed 5-26-04; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 20, and 43

[CC Docket No. 99-301, FCC 04-81]

Local Competition and Broadband Reporting

AGENCY: Federal Communications Commission.

ACTION: Final rule; order on reconsideration.

SUMMARY: In this document, the Federal Communications Commission denies

the petition of Iowa Telecommunications Services, Inc. (Iowa Telecom), for reconsideration of the Commission's *Data Gathering Order* published Wednesday, April 12, 2000 (65 FR 19675). Iowa Telecom requested the Commission to adopt annual statistical sampling for certain rural telephone companies in lieu of reporting Form 477 data.

FOR FURTHER INFORMATION CONTACT: Thomas J. Beers, Deputy Chief, or John C. K. Hays, Senior Attorney, Industry Analysis and Technology Division, Wireline Competition Bureau, at (202) 418-0952.

SUPPLEMENTARY INFORMATION: Iowa Telecommunications Services, Inc. (Iowa Telecom), in a petition for reconsideration of the *Data Gathering Order*, asked the Commission to adopt annual statistical sampling for certain rural telephone companies in lieu of reporting Form 477 data. The Commission denied the petition finding that Iowa Telecom has not raised materially new or persuasive arguments beyond those considered in the *Data Gathering Order*, nor has it alleged substantially changed circumstances to justify the requested relief. Parties wishing to revisit these arguments more generally may do so in the context of the Notice of Proposed Rulemaking in WC Docket No. 04-141.

Ordering Clauses

It is further ordered that, pursuant to sections 1-5, 10, 11, 201-205, 215, 218-220, 251-271, 303(r), 332, 403, 502, and 503 of the Communications Act of 1934, as amended, 47 U.S.C. 151-155, 160, 161, 201-205, 215, 218-220, 251-271, 303(r), 332, 403, 502, and 503, section 706 of the Telecommunications Act of 1996, 47 U.S.C. 157 nt, and sections 1.106 and 1.429 of the Commission's rules, 47 CFR 1.106 and 1.429, the petition for reconsideration filed by Iowa Telecommunications Services, Inc. is *denied*.

It is further ordered that CC Docket No. 99-301 is *terminated*.

Federal Communications Commission.

Marlene H. Dortch,
Secretary.

[FR Doc. 04-11321 Filed 5-26-04; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 600 and 622

[Docket No. 031007250-4079-02; I.D. 091503E]

RIN 0648-A063

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Dolphin and Wahoo Fishery Off the Atlantic States

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement the approved measures of the Fishery Management Plan for the Dolphin and Wahoo Fishery off the Atlantic States (FMP). For the dolphin and wahoo fishery in the exclusive economic zone (EEZ) off the Atlantic states (Maine through the east coast of Florida), this final rule will require vessel owners to obtain commercial vessel and charter vessel/headboat permits and, if selected, submit reports; require operators of commercial vessels, charter vessels, and headboats to obtain operator permits; require dealers to obtain permits and, if selected, submit reports; establish bag limits and a minimum size limit (dolphin only); close the longline fisheries in areas closed to the use of such gear for highly migratory pelagic species; prohibit sale without a commercial vessel permit; specify allowable gear; and establish a framework procedure by which the South Atlantic Fishery Management Council (Council) could establish and modify certain management measures in a timely manner. The FMP also specifies maximum sustainable yield (MSY), optimum yield (OY), the determinants of overfishing (maximum fishing mortality threshold (MFMT)) and overfished (minimum stock size threshold (MSST)), the management unit, the fishing year, and essential fish habitat (EFH) and EFH habitat areas of particular concern (EFH-HAPCs). In addition, NMFS informs the public of the approval by the Office of Management and Budget (OMB) of the collection-of-information requirements contained in this final rule and publishes the OMB control numbers for those collections. The intended effects are to conserve and manage dolphin and wahoo and to ensure that no new fisheries for dolphin and wahoo develop.

DATES: This final rule is effective June 28, 2004, except for the amendments to §§ 622.4(a)(1)(i)(E), 622.4(a)(2)(xii), 622.4(a)(4), 622.5(a)(1)(vi), 622.5(a)(2)(i), 622.5(b)(1), 622.5(c)(8), 622.39(f), 622.41(l)(2), 622.44(f), and 622.45(i) that are effective September 24, 2004 and the amendments to § 622.4(a)(5) and 622.4(i) that are effective November 23, 2004.

ADDRESSES: Copies of the Final Regulatory Flexibility Analysis (FRFA) may be obtained from NMFS, Southeast Regional Office, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to Robert Sadler, Southeast Region, NMFS, at the above address, and by e-mail to David_Rostker@omb.eop.gov, or fax to 202-395-7285.

FOR FURTHER INFORMATION CONTACT: Steve Branstetter, phone: 727-570-5305, fax: 727-570-5583, e-mail: Steve.Branstetter@noaa.gov.

SUPPLEMENTARY INFORMATION: The Council prepared the FMP under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

On September 26, 2003, NMFS announced the availability of the FMP and requested comments on it (68 FR 55573). NMFS published a proposed rule to implement the FMP and requested comments on the proposed rule through December 18, 2003 (68 FR 62267, November 3, 2003). NMFS partially approved the FMP on December 23, 2003; NMFS disapproved the restrictive qualifying criteria for a commercial vessel permit, commercial vessel permit transfer provisions, commercial trip limits for dolphin applicable to vessels with a commercial permit for Atlantic dolphin and wahoo, designation of sargassum as EFH, and the designation of sargassum as an EFH-HAPC. The rationale for the approved measures in the FMP is provided in the preamble to the proposed rule and is not repeated here.

Comments and Responses

NMFS received 75 letters from the public during the comment periods on the FMP and the proposed rule. The comments are summarized below along with NMFS' responses.

Comment 1: The FMP represents a much needed management strategy for the dolphin and wahoo stocks of the U.S. Atlantic Coast. This proactive strategy will maintain healthy stocks of dolphin and wahoo for all user and