

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MB Docket No. 11-207; RM-11517; RM-11518; RM-11669; DA 13-228]

**Radio Broadcasting Services; Ehrenberg, First Mesa, Kachina Village, Munds Park, Wickenburg, and Williams, Arizona**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Media Bureau grants a Counterproposal filed by Grenax Broadcasting II, LLC, for a new FM allotment on Channel 246C2 at Munds Park, Arizona, over a conflicting Petition for Rule Making and hybrid application filed by Univision Radio License Corporation for an increase in existing service by Station KHOV-FM, Wickenburg, Arizona. The Bureau also dismisses a Petition for Rule Making filed by Rocket Radio, Inc. for a new allotment at Williams, Arizona, because no continuing expression of interest was filed.

**DATES:** Effective April 23, 2013.

**FOR FURTHER INFORMATION CONTACT:** Andrew J. Rhodes, Media Bureau, (202) 418-2700.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MB Docket No. 11-207, adopted February 14, 2013, and released February 15, 2013. See also *Notice of Proposed Rule Making and Order to Show Cause*, 77 FR 2241, published January 17, 2012. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 12th Street, SW., Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractors, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 1-800-378-3160 or via email [www.BCPIWEB.com](http://www.BCPIWEB.com). The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Governmental Accountability Office, pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed 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).

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

To accommodate the new allotment at Munds Park, the Bureau also substitutes Channel 281C for vacant Channel 247C at First Mesa, Arizona, at reference coordinates 35-41-09 NL and 110-21-43 WL. The reference coordinates for Channel 246C2 at Munds Park are 34-58-06 NL and 111-30-29 WL.

In comparing the new allotment at Munds Park and the proposed increase in existing service at Wickenburg, Arizona, the Bureau recognized that the Wickenburg proposal would provide a second full-time reception service to 264 persons. However, the Bureau found that this was *de minimis* and did not trigger Priority 2 of the FM Allotment Priorities. The Munds Park proposal was preferred over the Wickenburg proposal under Priority 4, other public interest matters. Although the increase in existing service at Wickenburg would provide third and fourth reception services to some underserved populations, the Bureau determined on balance that they do not outweigh the need for a second local or first competitive service at Munds Park.

### List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

Federal Communications Commission.

**Nazifa Sawez,**

*Assistant Chief, Audio Division, Media Bureau.*

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 and 339.

#### § 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Arizona, is amended by removing Channel 247C at First Mesa and by adding Channel 281C at First

Mesa, and by adding Munds Park, Channel 246C2.

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MB Docket No. 11-139; RM-11636; DA 13-258]

**Television Broadcasting Services; Hampton-Norfolk, Virginia; Norfolk, Virginia-Elizabeth City, North Carolina**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission has before it a petition for rulemaking filed by Hampton Roads Educational Telecommunications Association's (HRETA). HRETA requests the reallocation of its channel \*16 to Norfolk, Virginia-Elizabeth City, North Carolina, and to modify its television station, WHRO-TV's license to specify Norfolk, Virginia-Elizabeth City, North Carolina as its community of license. Norfolk, Virginia-Elizabeth City, North Carolina fails to qualify as a community for allotment purposes, and therefore, HRETA's request to modify its community of license is been denied and its petition for rulemaking is dismissed.

**DATES:** This rule is effective March 19, 2013.

**FOR FURTHER INFORMATION CONTACT:** Jeremy Miller, [Jeremy.Miller@fcc.gov](mailto:Jeremy.Miller@fcc.gov), Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MB Docket No. 11-139, adopted February 21, 2013, and released February 22, 2013. The full text of this document is available for public inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 12th Street SW., Washington, DC, 20554. This document will also be available via ECFs (<http://fjallfoss.fcc.gov/ecfs/>). This document may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 1-800-478-3160 or via the company's Web site, <http://www.bcpweb.com>. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov)

or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any 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). Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

The Commission will send a copy of this *Report and 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).

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Division, Media Bureau.*

[FR Doc. 2013-06316 Filed 3-18-13; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 001005281-0369-02]

RIN 0648-XC570

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2013 Commercial Accountability Measure and Closure for Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS implements an accountability measure (AM) to close the hook-and-line component of the commercial sector for king mackerel in the southern Florida west coast subzone. This closure is necessary to protect the Gulf of Mexico (Gulf) king mackerel resource.

**DATES:** This rule is effective 12:01 a.m., local time, March 17, 2013, through June 30, 2013.

**FOR FURTHER INFORMATION CONTACT:** Steve Branstetter, telephone 727-824-5305, email [Steve.Branstetter@noaa.gov](mailto:Steve.Branstetter@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The fishery for coastal migratory pelagic fish

(king mackerel, Spanish mackerel, and cobia) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

On April 27, 2000, NMFS implemented the final rule (65 FR 16336, March 28, 2000) that divided the Florida west coast subzone of the Gulf eastern zone into northern and southern subzones, and established their separate commercial annual catch limits (ACLs), equal to commercial quotas. The 2012 to 2013 fishing year ACL (quota) for the hook-and-line component of the commercial sector for king mackerel in the southern Florida west coast subzone is 607,614 lb (275,609 kg) (50 CFR 622.42(c)(1)(i)(A)(2)(i)).

The Florida west coast subzone is that part of the eastern zone located south and west of 25°20.4' N. lat. (a line directly east from the Miami-Dade/Monroe County, FL boundary) along the west coast of Florida to 87°31'06" W. long. (a line directly south from the Alabama/Florida boundary). The Florida west coast subzone is further divided into northern and southern subzones. From November 1 through March 31, the southern subzone is designated as the area extending south and west from 25°20.4' N. lat. to 26°19.8' N. lat. (a line directly west from the Lee/Collier County, Florida, boundary), *i.e.*, the area off Collier and Monroe Counties. Beginning April 1, the southern subzone is reduced to the area off Collier County, Florida, between 25°48' N. lat. and 26°19.8' N. lat.

On March 12, 2013, NMFS implemented a 500-lb (227-kg) trip limit for vessels in the hook-and-line component of the commercial sector for king mackerel in or from the EEZ in the southern Florida west coast subzone (78 FR 15642, March 12, 2013).

Under 50 CFR 622.43(a), NMFS is required to close any component of the king mackerel commercial sector when its ACL (quota) has been reached, or is projected to be reached, by filing a notification at the Office of the Federal Register. NMFS has determined the ACL (quota) for hook-and-line component of the commercial sector for Gulf migratory group king mackerel in the southern Florida west coast subzone will be reached by March 17, 2013. Accordingly, the hook-and-line component of the commercial sector for

Gulf migratory group king mackerel in the southern Florida west coast subzone is closed effective 12:01 a.m., local time, March 17, 2013, through June 30, 2013, the end of the fishing year.

During the closure period, no person aboard a vessel for which a commercial permit for king mackerel has been issued may use hook-and-line gear to harvest or possess Gulf migratory group king mackerel in or from Federal waters of the closed subzone. There is one exception, however, for a person aboard a charter vessel or headboat. A person aboard a vessel that has a valid charter/headboat permit and also has a commercial king mackerel permit for coastal migratory pelagic fish may continue to retain king mackerel in or from the closed subzone under the 2-fish daily bag limit, provided the vessel is operating as a charter vessel or headboat. Charter vessels or headboats that hold a commercial king mackerel permit are considered to be operating as a charter vessel or headboat when they carry a passenger who pays a fee or when more than three persons are aboard, including operator and crew.

#### Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of the Gulf king mackerel resource and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.43(a) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds that the need to immediately implement this action to close the hook-and-line component of the commercial sector constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such procedures would be unnecessary and contrary to the public interest. Such procedures would be unnecessary because the rule itself already has been subject to notice and comment, and all that remains is to notify the public of the closure.

Allowing prior notice and opportunity for public comment is contrary to the public interest because of the need to immediately implement