

B. Paperwork Reduction Act Analysis

9. This document contains no modified information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13.

C. Congressional Review Act

10. The Commission will send a copy of this *Order on Reconsideration* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act (“CRA”), see 5 U.S.C. 801(a)(1)(A).

D. Effective Date of Rule

11. The Commission makes this rule revision effective immediately upon publication in the **Federal Register**, pursuant to Section 553(d) of the Administrative Procedure Act. In this case, where the Commission’s action removes a restriction that would have applied to EAS Participants and retains the status quo, it finds that there is no need for the 30-day period. In addition, the Commission concludes that good cause exists to make the rule effective immediately upon **Federal Register** publication. In making the good cause determination, agencies must balance the necessity for immediate implementation against principles of fundamental fairness that require that all affected persons be afforded a reasonable time to prepare for the effective date of a new rule. No party will be prejudiced by an expedited effective date for this rule revision. This revision simply now provides them with the option to follow the ECIG Implementation Guide’s TTS provisions should they choose to do so. However, the expedited date is necessary to provide the parties with regulatory certainty sufficiently in advance of the current June 30, 2012, deadline for complying with the relevant requirements of the Commission’s *Fifth Report and Order*. There is also no information collection associated with this rule revision, so no OMB approval is required for the revised rule.

II. Final Regulatory Flexibility Analysis

12. The Regulatory Flexibility Act (RFA) requires that agencies prepare a regulatory flexibility analysis for notice-and-comment rulemaking proceedings, unless the agency certifies that “the rule will not have a significant economic impact on a substantial number of small entities.” In this *Order on Reconsideration*, the Commission removes the prohibition on following the ECIG Implementation Guide’s specifications related to using TTS technology, and clarifies that EAS Participants may, but are not required,

to use these specifications. The Commission hereby certifies that this rule revision will not have a significant economic impact on a substantial number of small entities, because this action merely provides EAS Participants with the option to use these specifications. EAS Participants may continue to opt not to use these specifications and thereby maintain the status quo. The Commission will send a copy of this *Order on Reconsideration*, including this certification, to the Chief Counsel for Advocacy of the Small Business Administration. In addition, the Commission will publish this *Order on Reconsideration* (or a summary thereof) and certification in the **Federal Register**.

III. Ordering Clauses

13. Accordingly, *it is ordered* that, pursuant to § 1.108 of the Commission’s rules, 47 CFR 1.108, this Order on Reconsideration *is adopted*;

14. *It is further ordered* that part 11 of the Commission’s Rules, 47 CFR part 11, *is amended* as set forth in the Appendix. This Order shall become effective immediately upon publication in the **Federal Register**;

15. *It is further ordered* that the Petition for Reconsideration filed of the Federal Emergency Management Agency on March 12, 2012, in EB Docket 04–296 is dismissed as moot;

16. *It is further ordered* that the Commission’s Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Order on Reconsideration, including the Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 11

Radio, Television.

Federal Communications Commission.
Marlene H. Dortch,
Secretary.

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 11 as follows:

PART 11—EMERGENCY ALERT SYSTEM (EAS)

■ 1. 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.

■ 2. Amend § 11.56 by revising paragraph (a)(2) to read as follows:

§ 11.56 Obligation to process CAP-formatted EAS messages.

(a) * * *

(2) Converting EAS alert messages that have been formatted pursuant to the Organization for the Advancement of Structured Information Standards (OASIS) Common Alerting Protocol Version 1.2 (July 1, 2010), and Common Alerting Protocol, v. 1.2 USA Integrated Public Alert and Warning System Profile Version 1.0 (Oct. 13, 2009), into EAS alert messages that comply with the EAS Protocol, such that the Preamble and EAS Header Codes, audio Attention Signal, audio message, and Preamble and EAS End of Message (EOM) Codes of such messages are rendered equivalent to the EAS Protocol (set forth in § 11.31), in accordance with the technical specifications governing such conversion process set forth in the EAS–CAP Industry Group’s (ECIG) Recommendations for a CAP EAS Implementation Guide, Version 1.0 (May 17, 2010) (except that any and all specifications set forth therein related to gubernatorial “must carry” shall not be followed, and that EAS Participants may adhere to the specifications related to text-to-speech on a voluntary basis).

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[FR Doc. 2012–10622 Filed 5–4–12; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****49 CFR Parts 228 and 231**

[Docket No. FRA–2004–17529; Notice No. 9]

RIN 2130–AB94

Inflation Adjustment of the Aggravated Maximum Civil Monetary Penalty for a Violation of a Federal Railroad Safety Law or Federal Railroad Administration Safety Regulation or Order; Correction

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Final rule; correcting amendments.

SUMMARY: On April 24, 2012, FRA published a final rule, pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, which increased the aggravated maximum civil monetary penalty that the agency will apply when assessing a civil penalty for a violation of a railroad safety statute, regulation, or order under its authority. See 77 FR 24416. In preparing that final

rule for publication, three errors were made as described in the Supplementary Information. FRA is correcting these minor errors so that the final rule clearly conforms to FRA's intent.

DATES: The corrections to the final rule are effective on June 25, 2012.

FOR FURTHER INFORMATION CONTACT: Veronica Chittim, Trial Attorney, Office of Chief Counsel, FRA, 1200 New Jersey Avenue SE., Mail Stop 10, Washington, DC 20590 (telephone 202-493-0273), veronica.chittim@dot.gov.

SUPPLEMENTARY INFORMATION: Three errors were included in the final rule published on April 24, 2012. *See* 77 FR 24416. FRA failed to account for an October 31, 2011 amendment to 49 CFR part 228. The October 31, 2011 amendment to part 228 redesignated § 228.21, "Penalties," as § 228.6, and removed and reserved § 228.21. *See* 76 FR 67073, 67087-88. In preparing the April 24, 2012, final rule for publication, FRA instructed that the numerical amount "\$100,000" be removed from 49 CFR 228.21 and the numerical amount "\$105,000" be added in its place. The instruction should have directed the removal of the numerical amount "\$100,000" from 49 CFR 228.6 and the addition of "\$105,000" in its place. Additionally, FRA inadvertently transposed two numbers, in instructions 66 and 67, by instructing changes to the numerical amounts at "213.146.A" in appendix A to part 231. *See* 77 FR 24416. The final rule should have instructed that the changes be made to "146.A". FRA is correcting these minor errors so that the final rule clearly conforms to FRA's intent.

List of Subjects

49 CFR Part 228

Administrative practice and procedure, Buildings and facilities, Hazardous materials transportation, Noise control, Penalties, Railroad employees, Railroad safety, Reporting and recordkeeping requirements, Sanitation.

49 CFR Part 231

Penalties, Railroad safety.

The Final Rule

In accordance with the foregoing, parts 228 and 231, of subtitle B, chapter II of title 49 of the Code of Federal Regulations are corrected by making the following correcting amendments:

PART 228—[AMENDED]

■ 1. The authority citation for part 228 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 21101-21109; Sec. 108, Div. A, Pub. L. 110-432, 122 Stat. 4860-4866; 49 U.S.C. 21301, 21303, 21304, 21311; 28 U.S.C. 2461, note; 49 U.S.C. 103; and 49 CFR 1.49.

§ 228.6 [Amended]

■ 2. Section 228.6 is amended by removing the numerical amount "\$100,000" and adding in its place the numerical amount "\$105,000".

PART 231—[AMENDED]

■ 3. The authority citation for part 231 continues to read as follows:

Authority: 49 U.S.C. 20102-20103, 20107, 20131, 20301-20303, 21301-21302, 21304; 28 U.S.C. 2461, note; and 49 CFR 1.49.

Appendix A to Part 231—[Amended]

■ 4. Appendix A is amended by:

- a. Removing the numerical amount "650" from the entry at 146.A and adding in its place the numerical amount "1,000"; and
- b. Removing the numerical amount "1,000" from the entry at 146.A and adding in its place the numerical amount "2,000".

Issued in Washington, DC, on May 1, 2012.

Robert C. Lauby,

Acting Associate Administrator for Railroad Safety/Chief Safety Officer, Federal Railroad Administration.

[FR Doc. 2012-10946 Filed 5-4-12; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 110901552-1021-01]

RIN 0648-BB34

Fisheries of the Northeastern United States; Northeast Multispecies, Monkfish, Atlantic Sea Scallop; Amendment 17

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

ACTION: Final rule; enforcement of collection-of-information requirements.

SUMMARY: NMFS announces approval by the Office of Management and Budget of collection-of-information requirements for a days-at-sea credit provision for the Northeast multispecies, monkfish, and Atlantic sea scallop fisheries. This final rule sets the enforcement date for the collection-of information requirements.

DATES: The collection-of-information requirements in 50 CFR 648.53, 648.82, and 648.92 are enforced as of May 7, 2012.

ADDRESSES: 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 the Northeast Regional Office, NMFS, 55 Great Republic Drive, Gloucester, MA 01930, by email to OIRA_Submission@omb.eop.gov, or by fax to 202-395-7285.

FOR FURTHER INFORMATION CONTACT: Jason Berthiaume, Fisheries Management Specialist, 978-281-9177.

SUPPLEMENTARY INFORMATION:

Background

A final rule to implement measures in Amendment 17 to the Northeast Multispecies Fishery Management Plan was published in the **Federal Register** on March 23, 2012 (77 FR 16942). That final rule contained a provision for fishing vessels to receive a credit of days-at-sea (DAS) under certain circumstances. A detailed explanation regarding the DAS credit provision is in the final rule and is not repeated here. The information collection requirements associated with the DAS credit provision were published at §§ 648.53, 648.82, and 648.92.

The Office of Management and Budget (OMB) had not yet approved the collection-of-information requirements in §§ 648.53, 648.82, and 648.92 by the date the final rule was submitted to the Office of the Federal Register for publication, and thus those provisions were not enforced when that final rule published in the **Federal Register**. On March 26, 2012, OMB approved the collection-of-information requirements in the rule. This final rule makes the collection-of-information requirements enforceable.

Classification

NMFS previously solicited public comments on the measures described in the Amendment 17 proposed rule, including this collection of information, through the rulemaking process. NMFS received no comments on the collection of information requirements. Thus, this action merely implements portions of the final rule implementing Amendment 17 that were previously proposed and subjected to public comment, but that under the Paperwork Reduction Act (PRA) required OMB approval in order to become effective. OMB has now approved the collection of information provisions. Because the public has already had an opportunity to comment