

prescribed in § 387.405, for loss of or damage to household goods.

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■ 8. In § 387.413, add a new paragraph (f) to read as follows:

§ 387.413 Forms and procedures.

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(f) *Termination of Forms BMC-32 and BMC-34 for freight forwarders of property other than household goods.* Form BMC-32 endorsements and Form BMC-34 certificates of insurance issued to freight forwarders of property other than household goods that have been accepted by the FMCSA under these rules will expire on March 21, 2011.

Issued on: June 15, 2010.

Anne S. Ferro,
Administrator.

[FR Doc. 2010-14866 Filed 6-21-10; 8:45 am]

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NATIONAL TRANSPORTATION SAFETY BOARD

49 CFR Part 830

Notification and Reporting of Aircraft Accidents or Incidents and Overdue Aircraft, and Preservation of Aircraft Wreckage, Mail, Cargo, and Records

AGENCY: National Transportation Safety Board (NTSB).

ACTION: Correcting amendments.

SUMMARY: The NTSB is correcting a regulatory subsection that became effective on March 8, 2010. The NTSB determined that a final rule which requires reports of certain runway incursions, failed to specify that on paragraph applies only to fixed-wing aircraft operating at public-use airports on land. These amendments function to considerably narrow the reporting requirement to include only the specific set of incidents for which the NTSB seeks reports. In addition, the NTSB is correcting a footnote because the NTSB no longer has a regional office in Parsippany, New Jersey.

DATES: The correction is effective June 22, 2010.

ADDRESSES: Copies of the notice of proposed rulemaking (NPRM) and the final rule, published in the **Federal Register** (FR), are available for inspection and copying in the NTSB's public reading room, located at 490 L'Enfant Plaza, SW., Washington, DC 20594-2000. Alternatively, copies of the documents and comments that the NTSB received from the public are available on the government-wide Web

site on regulations at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Deepak Joshi, Aerospace Engineer (Structures), Office of Aviation Safety, (202) 314-6348.

SUPPLEMENTARY INFORMATION:

Regulatory History

On October 7, 2008, the NTSB published an NPRM titled "Notification and Reporting of Aircraft Accidents or Incidents and Overdue Aircraft, and Preservation of Aircraft Wreckage, Mail, Cargo, and Records" in 73 FR 58520, and, on January 7, 2010, the NTSB published a final rule under the same title in 75 FR 922. The final rule codified the addition of five reportable incidents, including the following requirement concerning the reporting of runway incursions: "Any event in which an aircraft operated by an air carrier: (i) Lands or departs on a taxiway, incorrect runway, or other area not designed as a runway; or (ii) Experiences a runway incursion that requires the operator or the crew of another aircraft or vehicle to take immediate corrective action to avoid a collision."

After the publication of this final rule, several organizations advised the NTSB that the regulatory language may inadvertently require that aircraft taking off or landing at sites outside an airport submit a report each time they take off or land. Representatives of these organizations were concerned that they would be required to report every takeoff or landing of a helicopter that occurs on a "taxiway" or "other area not designed as a runway." While the new rule literally states this, the preamble of the NPRM stated that it is *not* the NTSB's intent to be notified of normal taxiway and off-airport rotorcraft takeoffs and landings (see 73 FR 58520).

The NTSB does not seek to require reports of off-airport or taxiway takeoffs and landings that occur during normal helicopter operations, including helicopter operations at heliports, helidecks, hospital rooftops, highway berms, or any other area normally utilized to transport patients, passengers, or crews. The NTSB also does not seek to require reports of other off-airport or taxiway takeoffs and landings that occur during normal operations, such as those involving seaplanes, hot-air balloons, unmanned aircraft systems, and aircraft designed specifically for takeoffs and landings that do not occur at land airports. The NTSB's correction to its inadvertent error in drafting overly broad regulatory language in 49 CFR 830.5(a)(12) contains the requirement that the NTSB

receive reports of the following: "Any event in which an operator, when operating an airplane as an air carrier at a public-use airport on land: (i) Lands or departs on a taxiway, incorrect runway, or other area not designed as a runway; or (ii) Experiences a runway incursion that requires the operator or the crew of another aircraft or vehicle to take immediate corrective action to avoid a collision."

In interpreting this subsection, the NTSB plans to use the definition of "airplane" found in 14 CFR 1.1, which indicates that "[a]irplane means an engine-driven fixed-wing aircraft heavier than air, that is supported in flight by the dynamic reaction of the air against its wings." Regarding the definition of "public-use airport," the NTSB plans to use the definition in 49 U.S.C. 47102(21), which indicates that "'public-use airport' means— (A) a public airport; or (B) a privately-owned airport used or intended to be used for public purposes that is—(i) a reliever airport; or (ii) determined by the Secretary to have at least 2,500 passenger boardings each year and to receive scheduled passenger aircraft service." The NTSB believes the qualification of "on land" of "public-use airport" is self-explanatory; the NTSB does not seek reports of operations on water.

This new language functions to narrow the reporting requirement. Given that it does not impose any new requirements but instead narrows the current requirement to include only reports of incidents in which *airplanes* at *public-use airports on land* are involved in runway incursions, the NTSB has concluded that it is legally permissible to publish this correction to the rule rather than engage in a new rulemaking procedure under the Administrative Procedure Act. The corrected language is clearly a logical outgrowth of the language that became effective on March 8, 2010, and applies to fewer scenarios than the original language.

List of Subjects in 49 CFR Part 830

Aircraft accidents, Aircraft incidents, Aviation safety, Overdue aircraft notification and reporting, Reporting and recordkeeping requirements.

■ For the reasons discussed in the preamble, the NTSB amends 49 CFR part 830 as follows:

PART 830—NOTIFICATION AND REPORTING OF AIRCRAFT ACCIDENTS OR INCIDENTS AND OVERDUE AIRCRAFT, AND PRESERVATION OF AIRCRAFT WRECKAGE, MAIL, CARGO, AND RECORDS

■ 1. The authority citation for part 830 continues to read as follows:

Authority: Independent Safety Board Act of 1974, as amended (49 U.S.C. 1101–1155); Federal Aviation Act of 1958, Public Law 85–726, 72 Stat. 731 (codified as amended at 49 U.S.C. 40101).

■ 2. Amend § 830.15 as follows:

- A. Republish the introductory text.
- B. Revise footnote 1 and paragraph (a)(12).

The revisions read as follows:

§ 830.5 Immediate notification.

The operator of any civil aircraft, or any public aircraft not operated by the Armed Forces or an intelligence agency of the United States, or any foreign aircraft shall immediately, and by the most expeditious means available, notify the nearest National Transportation Safety Board (NTSB) office¹ when:

(a) * * *

(12) Any event in which an operator, when operating an airplane as an air carrier at a public-use airport on land:

- (i) Lands or departs on a taxiway, incorrect runway, or other area not designed as a runway; or
- (ii) Experiences a runway incursion that requires the operator or the crew of another aircraft or vehicle to take immediate corrective action to avoid a collision.

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Deborah A.P. Hersman,
Chairman.

[FR Doc. 2010–14925 Filed 6–21–10; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 0911051395–0252–02]

RIN 0648–AY32

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Comprehensive Ecosystem-Based Amendment for the South Atlantic Region

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 Comprehensive Ecosystem-Based Amendment 1 (CE–BA1) to the following South Atlantic fishery management plans (FMPs): The FMP for Coral, Coral reefs, and Live/Hard Bottom Habitats of the South Atlantic Region (Coral FMP); the FMP for the Dolphin and Wahoo Fishery off the Atlantic States (Dolphin and Wahoo FMP); the FMP for Golden Crab of the South Atlantic Region (Golden Crab FMP); the FMP for the Shrimp Fishery of the South Atlantic Region (Shrimp FMP); and the FMP for the Snapper-Grouper Fishery of the South Atlantic Region (Snapper-Grouper FMP), as prepared and submitted by the South Atlantic Fishery Management Council (Council); as well as the FMP for Coastal Migratory Pelagic (CMP) Resources (CMP FMP); and the FMP for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic (Spiny Lobster FMP), as prepared and submitted by the South Atlantic and Gulf of Mexico Fishery Management Councils. This final rule establishes Deepwater Coral Habitat Areas of Particular Concern (Deepwater Coral HAPCs) off the coast of the southern Atlantic states in which the use of specified fishing gear and methods and the possession of coral is prohibited. Within the Deepwater Coral HAPCs, fishing zones have been established that allow continued fishing on the historical grounds for golden crab and deepwater shrimp. This rule protects what is thought to be the largest distribution of pristine deepwater coral ecosystems in the world while minimizing the effects on traditional fishing in the Deepwater Coral HAPCs. Additionally, the amendment updates existing Essential Fish Habitat (EFH) information in the area off the southern Atlantic states, thus, addressing the

need for spatial representation of designated EFH and EFH–HAPCs.

DATES: This rule is effective July 22, 2010.

ADDRESSES: Copies of the regulatory flexibility analysis, CE–BA1, the Final Environmental Impact Statement (FEIS), the Regulatory Impact Review, and the Social Impact Assessment/Fishery Impact Statement may be obtained from Karla Gore, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701–5505.

FOR FURTHER INFORMATION CONTACT: Karla Gore, telephone: 727–824–5305.

SUPPLEMENTARY INFORMATION: The fisheries for coastal migratory pelagics; coral, coral reefs, and live/hard bottom habitats; dolphin and wahoo; golden crab; shrimp; spiny lobster; and snapper-grouper off the southern Atlantic states are managed under their respective FMPs. The FMPs were prepared by the Council(s) and are implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The availability of CE–BA1 was announced in the **Federal Register** on March 4, 2010 (75 FR 9864). On March 26, 2010, NMFS published a proposed rule for CE–BA1 and requested public comment (75 FR 14548). NMFS approved CE–BA1 on June 1, 2010. This final rule establishes Deepwater Coral HAPCs off the coast of the southern Atlantic states in which the use of specified fishing gear and methods and possession of coral is prohibited. Within the Deepwater Coral HAPCs, fishing zones have been created that allow continued fishing on the historical grounds for golden crab and deepwater shrimp. The rationale for the measures contained in CE–BA1 is provided in the amendment and in the preamble to the proposed rule and is not repeated here.

Comments and Responses

The following is a summary of the comments NMFS received on the proposed rule and CE–BA1, and NMFS' respective responses. During the respective comment periods for CE–BA1 and the proposed rule, NMFS received five submissions from the public, Federal agencies, and non-governmental organizations. Of these, two comments expressed support for the actions proposed in CE–BA1. Three comments expressed concern with various aspects of the amendment and proposed rule, and are addressed below.

Comment 1: The Deepwater Shrimp Advisory Panel (AP) unanimously agreed on the alternative (Alternative 3),

¹ NTSB regional offices are located in the following cities: Anchorage, Alaska; Atlanta, Georgia; West Chicago, Illinois; Denver, Colorado; Arlington, Texas; Gardena (Los Angeles), California; Miami, Florida; Seattle, Washington; and Ashburn, Virginia. In addition, NTSB headquarters is located at 490 L'Enfant Plaza, SW., Washington, DC 20594. Contact information for these offices is available at <http://www.nts.gov>.