

additional bandwidth during the competitive bidding process leading up to the initial funding year 2020 application window and when demand for E-Rate funding is well below the cap for funding year 2020. The Bureau finds, therefore, that good cause exists to forgo notice and comment on these rules.

13. For similar reasons, the Bureau finds that there is good cause to make the temporary rules adopted by the Order effective immediately upon publication in the **Federal Register**. Although rules generally must be published at least 30 days before they become effective, the APA and the Commission's rules make an exception "for good cause found and published with the rule." Given the unprecedented and immediate need for additional bandwidth presented by the COVID-19 pandemic, along with the fact that the instructional year has already begun, it is crucial that the Bureau begins offering relief as soon as possible. In addition, the Bureau finds that delaying the opening of the second application window would delay the opening of the funding year 2021 administrative and application windows, resulting in slowdowns in the regular E-Rate program administration, with potentially adverse spillover effects.

III. Procedural Matters

A. Paperwork Reduction Act

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

B. Congressional Review Act

15. The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs that this rule is non-major under the Congressional Review Act, 5 U.S.C. 804(2). The Commission will send a copy of the Order to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

IV. Ordering Clauses

16. Accordingly, *it is ordered* that, pursuant to the authority contained in Sections 4(i), 4(j), and 254 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), and 254

the Order *is adopted*, and the temporary rules *shall become effective* September 21, 2020, pursuant to 5 U.S.C. 553(d)(3); 47 CFR 1.427(b).

Federal Communications Commission.

Daniel Kahn,

Associate Chief, Wireline Competition Bureau.

[FR Doc. 2020-20899 Filed 9-18-20; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 223

[Docket No. 200812-0216]

RIN 0648-BJ99

Sea Turtle Conservation; Shrimp Trawling Requirements

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

ACTION: Final rule; correction.

SUMMARY: NMFS is correcting a final rule that appeared in the **Federal Register** on December 20, 2019, that requires all skimmer trawl vessels 40 feet and greater in length to use turtle excluder devices (TEDs) designed to exclude small sea turtles in their nets. There is an error in the description of the small turtle TED flap. This correction is necessary to prevent sea turtle bycatch and mortality.

DATES: Effective April 1, 2021.

FOR FURTHER INFORMATION CONTACT: Michael Barnette, 727-551-5794, michael.barnette@noaa.gov.

SUPPLEMENTARY INFORMATION:

Need for Correction

NMFS published a final rule requiring all skimmer trawl vessels 40 feet and greater in length to use TEDs designed to exclude small turtles in their nets on December 20, 2019 (84 FR 70048). The final rule becomes effective on April 1, 2021. While the specifications of the small turtle TED escape opening flap were intended to apply to all TEDs based on NMFS TED testing results, an error in the description on page 70064 inadvertently limited the specifications to only the bent bar TEDs. As a result, other TEDs, such as the straight bar TED, could be fished with an escape opening flap that would impair the effective release of small sea turtles from the net. NMFS is correcting the error through this action.

Classification

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 unnecessary and contrary to the public interest. While the skimmer TED requirements will not become effective until April 1, 2021, the lengthy delay in effectiveness was provided explicitly to allow sufficient time for construction of the many new small turtle TEDs that will be required once the rule takes effect. Given the time that has passed since publication of the final rule, NMFS expects that some new TED construction has already commenced, and that the rate of TED construction will increase in the coming months. The TED configurations that will be allowable under the erroneous text are known to be widely used by otter trawl vessels, which are already required to employ TEDs. Consequently, NMFS expects that the same configurations with the narrow grid spacing would be popular among skimmer vessels, if the configurations are identified in the regulations as approved TED configurations. Further delay in correcting the error in the regulatory text will allow for the continued construction of TED configurations that do not achieve the necessary conservation benefit, and which will no longer be allowable configurations after the error has been corrected. That delay would be expected to result in considerable needless expense by industry in constructing TEDs consistent with the erroneous text, and that needless expense is contrary to the public interest. This correcting action is consistent with NMFS' testing of various TED designs for turtle exclusion and other findings in the administrative record. The Draft and Final Environmental Impact Statements prepared for the rule discuss the different TED configurations, their expected conservation benefit, and the catch losses associated with their use, and these issues are addressed more generally in the preamble for the proposed rule and final rule. Consequently, the public has already been provided prior notice and opportunity to comment generally on this aspect of the rule, rendering further opportunity to comment unnecessary. Therefore, in order to avoid the negative consequences that are expected to result from unnecessary delay in making this correction, the AA finds good cause to waive the requirement to provide prior

notice and opportunity for public comment.

Correction

In FR Doc. 19–27398, appearing on page 70048, the following correction is made:

§ 223.207 [Corrected]

■ 1. On page 70064, in the first column, correct paragraph (d)(3)(v) to read as follows:

(v) *Small turtle TED flap*. If the angle of the deflector bars of a TED used by a skimmer trawl exceeds 45°, or if a double cover opening straight bar TED (at any allowable angle) is used by a skimmer trawl, the flap must consist of twine size not greater than number 15 (1.32-mm thick) on webbing flaps described in paragraphs (d)(3)(i), (d)(3)(ii), (d)(3)(iii), or (d)(3)(iv) of this section.

Dated: April 13, 2020.

Samuel D. Rauch III,

*Deputy Assistant Administrator for
Regulatory Programs, National Marine
Fisheries Service.*

[FR Doc. 2020–18054 Filed 9–18–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[Docket No. 200321–0084]

RIN 0648–BJ70

Extension of Emergency Measures To Address Fishery Observer Coverage During the Coronavirus Pandemic

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

ACTION: Temporary rule; emergency action extended.

SUMMARY: NMFS extends this temporary rule (also referred to herein as “emergency action”) to provide it with authority to continue to waive observer coverage requirements. NMFS is taking this action to address public health concerns relating to the ongoing Coronavirus pandemic. The intended effect is to provide the waiver mechanism necessary to respond to the ongoing public health emergency. This action also authorizes NMFS to waive some training or other program requirements to ensure that as many observers are available as possible while ensuring the safety and health of the observers and trainers.

DATES: The expiration date of the emergency measures to address fishery observer coverage during the Coronavirus pandemic published on March 27, 2020 (85 FR 17285) is extended through March 26, 2021.

FOR FURTHER INFORMATION CONTACT: Michael Ruccio at 978–281–9104.

SUPPLEMENTARY INFORMATION:

Background

On March 27, 2020, NMFS published an emergency action (85 FR 17285) that addresses public health concerns relating to the Coronavirus Disease pandemic that began in 2019 (COVID–19). The emergency action provides NMFS with authority to waive observer coverage requirements established in regulations promulgated under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and other statutes, consistent with applicable law and international obligations. The action also authorizes NMFS to waive some training or other program requirements to ensure that as many observers are available as possible while ensuring the safety and health of the observers and trainers. Due to the continuation and evolution of the COVID–19 pandemic, NMFS is now extending this emergency action for an additional 186 days, as authorized under MSA section 305(c)(3).

The background for why the emergency observer waiver is necessary was provided in the original emergency action (85 FR 17285; March 27, 2020) and is not repeated here. Given the ongoing COVID–19 pandemic, the continued national and local declarations of emergency, and guidance from the Centers for Disease Control and Prevention, NMFS has determined that an extension of the emergency action is needed to enable NMFS to continue to waive observer coverage and some related training and other program requirements. NMFS expects this extension to advance the protection of and to promote public health and the safety of fishermen, observers, and other parties that may come in contact with those persons. NMFS will continue to consider applicable law and international obligations when making decisions about observer coverage waivers. In issuing such waivers, NMFS will continue to carefully monitor the status of the fishery and/or protected species that were being observed or monitored to ensure that the relevant conservation and management goals are still being met. If needed to address any significant issues or concerns, or if NMFS determines that a waiver cannot be

issued (e.g., observer coverage is required due to other applicable law or international obligations), NMFS may implement additional, separate actions (e.g., fishery closures, additional monitoring) per existing regulations or may issue emergency regulations, as necessary and appropriate. As a result, no ecological or socioeconomic impacts are expected by this temporary rule beyond any caused by the COVID–19 pandemic itself.

NMFS will continue to monitor and evaluate the COVID–19 pandemic and will take additional action if needed. Unless otherwise determined, NMFS anticipates that these emergency measures will be effective until the earlier of the following dates: (1) The date when the current COVID–19 pandemic is no longer deemed a public health emergency by the Secretary of Health and Human Services; or (2) March 26, 2021, *see* MSA section 305(c)(3)(B), 16 U.S.C. 1855(c)(3)(B). As warranted, if this emergency continues beyond the end of this 186-day extension period, NMFS may consult with the Secretary of Health and Human Services about a further extension of this emergency action pursuant to MSA section 305(c)(3)(C) or may conduct a more permanent rulemaking.

Extended Emergency Management Measures

NMFS is extending the original emergency regulations with a minor change to the text of the first criteria for waiving observer coverage. Changes in text are to clarify the original intent and do not change the meaning. The management measures in the emergency rule that are being extended follow.

Under this emergency action, NMFS may waive observer coverage requirements if:

- Placing an observer conflicts with travel restrictions or other requirements addressing COVID–19 related concerns issued by local, state, or national governments, or the private companies that deploy observers pursuant to NMFS regulations; or
- No qualified observer(s) are available for placement due to health, safety, or training issues related to COVID–19.

If either of these conditions is satisfied, then NMFS may waive observer coverage requirements for an individual trip or vessel, an entire fishery or fleet, or all fisheries administered under a NMFS Regional Office (*see* 50 CFR 600.10 (defining Region) and <https://www.fisheries.noaa.gov/regions>) or NMFS Headquarters Office. However, waivers will be only issued as narrowly