

Speech-to-Speech Services, E911 Requirements for IP-Enabled Service Providers, Report Order and Order on Reconsideration (Second Report and Order). This document is consistent with the Second Report and Order, which stated that the Commission would publish a document in the Federal Register announcing the effective date of the revised rules.

**DATES:** The rules published at 73 FR 79683, December 30, 2008, are effective May 28, 2010.

**FOR FURTHER INFORMATION CONTACT:** Gregory Hlibok, Disability Rights Office, Consumer and Governmental Affairs Bureau, at (202) 559-5158 (voice) or (202) 418-0431 (TTY), or email: Gregory.Hlibok@fcc.gov.

**SUPPLEMENTARY INFORMATION:** This document announces that, on November 23, 2009, OMB approved, for a period of three years, the information collection requirements contained in the Commission's Second Report and Order and in the Commission's rules at 47 CFR 64.605, FCC 08-275, published at 73 FR 79683, December 30, 2008. The OMB Control Number is 3060-1089. The Commission publishes this document as an announcement of the effective date of the revised rules. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Cathy Williams, Federal Communications Commission, Room 1-C823, 445 12th Street, SW, Washington, DC 20554. Please include the OMB Control Number, 3060-1089, in your correspondence. The Commission will also accept your comments via the Internet if you send them to PRA@fcc.gov and Cathy.Williams@fcc.gov.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

#### SYNOPSIS

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received OMB approval on November 23, 2009, for the information collection requirements contained in the Commission's Second Report and Order and the Commission's rules at 47 CFR 64.605. The OMB Control Number is 3060-1089. The total annual reporting burden for respondents for these collections of information, including the time for gathering and maintaining the

collection of information, is estimated to be: 12 respondents, 5,608,692 responses, total annual burden hours of 206,061 hours, and \$4,251,635 in total annual costs.

Under 5 CFR 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current valid OMB Control Number.

The foregoing document is required by the Paperwork Reduction Act of 1995, Public Law 104-13, October 1, 1995, and 44 U.S.C. 3507.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary,*

*Office of the Secretary,*

*Office of Managing Director.*

[FR Doc. 2010-12810 Filed 5-27-10; 8:45 am]

**BILLING CODE 6712-01-S**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### 49 CFR Part 389

[Docket No. FMCSA-2009-0354]

**RIN 2126-AB23**

#### Direct Final Rulemaking Procedures

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Final rule.

**SUMMARY:** FMCSA amends its regulations by establishing direct final rulemaking procedures for use on routine or noncontroversial rules. Under these procedures, FMCSA will make regulatory changes that will become effective a specified number of days after the date of publication in the **Federal Register**, unless FMCSA receives written adverse comment(s) or written notice of intent to submit adverse comment(s) by the date specified in the direct final rule. These new procedures will expedite the promulgation of routine or noncontroversial rules by reducing the time and resources necessary to develop, review, clear, and publish separate proposed and final rules. FMCSA will not use the direct final rule procedures for complex or controversial issues.

**DATES:** *Effective Date:* May 28, 2010.

**ADDRESSES:** *Docket:* For access to the docket to read background documents including those referenced in this document, or to read comments received, go to <http://www.regulations.gov> by searching Docket ID number FMCSA 2009-0354 at any time or to the ground floor, room W12-140, DOT Building, 1200 New Jersey Avenue, SE., Washington, DC, 20590, between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

*Privacy Act:* Anyone is able to search the electronic form for all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review U.S. Department of Transportation's (DOT) complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476) or you may visit <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Mr. Bivan R. Patnaik, Chief, Regulatory Development Division, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590, (202) 366-8092.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Administrative Procedure Act (APA) (5 U.S.C. 553) specifically provides that notice and comment rulemaking procedures are not required where the Agency determines that there is good cause to dispense with them. Generally, good cause exists where the procedures are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). FMCSA proposes to use direct final rulemaking to streamline the rulemaking process where the rule is noncontroversial and the Agency does not expect adverse comment.

Direct final rulemaking will make more efficient use of FMCSA resources by reducing the time and resources necessary to develop, review, clear, and publish separate proposed and final rules for rules the Agency expects to be noncontroversial and unlikely to result in adverse public comment. A number of Federal agencies use this process, including various Department of Transportation operating administrations. For example, on January 30, 2004, the Office of the Secretary of Transportation published a final rule adopting direct final rule procedures (69 FR 4455) and the Federal Railroad Administration published a final rule adopting direct final rule

procedures on March 7, 2007 (72 FR 10086).

### Direct Final Rule Procedures Notice of Proposed Rulemaking (NPRM)

FMCSA proposed direct final rulemaking procedures in an NPRM published on March 17, 2010, in the **Federal Register** (75 FR 12720). The NPRM described the process of how FMCSA will determine whether a particular rulemaking is noncontroversial and unlikely to result in adverse comments. The NPRM also described how FMCSA determines whether a comment is adverse or not.

### Discussion of Comments Received on the NPRM

FMCSA provided a 30-day comment period that ended on April 16, 2010. In response, the Agency received three comments and one question on the NPRM.

The Commercial Vehicle Safety Alliance, Advocates for Highway and Auto Safety (Advocates), and the American Trucking Associations submitted comments supporting the direct final rule procedures that were proposed in the NPRM. Advocates additionally stated that FMCSA should not use direct final rule procedures on safety-related rules, as these rules should be considered controversial and subject to full public notice and comment proceedings. They further maintain that FMCSA's granting of applications for waivers and two-year exemptions, under 49 U.S.C. 31315(a) and (b), and the renewal of such exemptions, should always be treated as controversial and subject to full public notice and comment procedures. As stated in the NPRM, FMCSA will use the direct final rule process for routine and noncontroversial rules. In the event that FMCSA publishes a direct final rule on an action that proves to be controversial, the public will have sufficient time and opportunity to submit adverse comments, or submit notices of intent to file adverse comments by the date specified in the direct final rule. If this occurs, FMCSA will publish a notice in the **Federal Register** withdrawing the direct final rule before it goes into effect.

Arkema Incorporated inquired about the number of days FMCSA is considering for a direct final rule to become effective after the date of publication in the **Federal Register**. As FMCSA intends to use the direct final rule process for routine and noncontroversial rules, the Agency will typically use 60 days after the date of publication in the **Federal Register** for the direct final rule to go into effect and

30 days after the date of publication in the **Federal Register** for the submission of adverse comments or notices of intent to submit adverse comments. FMCSA has the discretion to use a longer time period for a direct final rule to go into effect and a longer period for the submission of adverse comments if the Agency determines that it is necessary. If FMCSA receives adverse comments, or receives notice of intent to file adverse comments by the date specified in the direct final rule, it will publish a notice in the **Federal Register** withdrawing the direct final rule before it goes into effect.

### Regulatory Analyses and Notices

FMCSA has determined that this action is not a significant regulatory action under Executive Order 12866 or under DOT's Regulatory Policies and Procedures. There are no costs associated with the final rule. There will be some cost savings in **Federal Register** publication costs and may be savings in efficiencies for the public and FMCSA personnel in eliminating duplicative reviews. I certify that this rule will not have a significant impact on a substantial number of small entities. Finally, FMCSA states that there are no Federalism implications.

### Paperwork Reduction Act

This rulemaking contains no information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

### Unfunded Mandates Reform Act

FMCSA has determined that the requirements of Title II of the Unfunded Mandates Act of 1995 do not apply to this final rule.

### Environment

FMCSA considered the environmental impacts of this final rule under the National Environmental Policy Act of 1969, and determined it is categorically excluded from further environmental analysis under FMCSA Order 5610.1 paragraph 6.x of Appendix 2. FMCSA Order 5610.1 was published on March 1, 2004 (69 FR 9680). A Categorical Exclusion Determination is available for inspection or copying in the regulations.gov Web site listed under ADDRESSES.

### List of Subjects in 49 CFR Part 389

Rulemaking procedures.

■ For the reasons set forth in the preamble, FMCSA amends 49 CFR Part 389 as follows:

### PART 389—[AMENDED]

■ 1. The authority citation for 49 CFR part 389 is revised to read as follows:

**Authority:** 49 U.S.C. 113, 501 *et seq.*, subchapters I and III of chapter 311, chapter 313, and 31502; 42 U.S.C 4917; and 49 CFR 1.73

■ 2. Section 389.11 is revised to read as follows:

#### § 389.11 General.

Except as provided in § 389.39, Direct final rulemaking procedures, unless the Administrator, for good cause, finds a rule is impractical, unnecessary, or contrary to the public interest, and incorporates such a finding and a brief statement for the reason for it in the rule, a notice of proposed rulemaking must be issued, and interested persons are invited to participate in the rulemaking proceedings involving rules under an Act.

■ 3. Add new § 389.39 to read as follows:

#### § 389.39 Direct final rulemaking procedures

A direct final rule makes regulatory changes and states that those changes will take effect on a specified date unless FMCSA receives an adverse comment or notice of intent to file an adverse comment by the date specified in the direct final rule published in the **Federal Register**.

(a) *Types of actions appropriate for direct final rulemaking.* Rules that the Administrator determines to be non-controversial and unlikely to result in adverse public comments may be published in the final rule section of the **Federal Register** as direct final rules. These include non-controversial rules that:

(1) Make non-substantive clarifications or corrections to existing rules;

(2) Incorporate by reference the latest or otherwise updated versions of technical or industry standards;

(3) Affect internal FMCSA procedures such as filing requirements and rules governing inspection and copying of documents;

(4) Update existing forms; and

(5) Make minor changes to rules regarding statistics and reporting requirements, such as a change in reporting period (for example, from quarterly to annually) or eliminating a type of data collection no longer necessary.

(b) *Adverse comment.* An adverse comment is a comment that FMCSA judges to be critical of the rule, to suggest that the rule should not be

adopted, or to suggest that a change should be made to the rule. Under the direct final rule process, FMCSA does not consider the following types of comments to be adverse:

(1) Comments recommending another rule change, unless the commenter states that the direct final rule will be ineffective without the change;

(2) Comments outside the scope of the rule and comments suggesting that the rule's policy or requirements should or should not be extended to other Agency programs outside the scope of the rule;

(3) Comments in support of the rule; or

(4) Comments requesting clarification.

(c) *Confirmation of effective date.*

FMCSA will publish a confirmation rule document in the **Federal Register**, if it has not received an adverse comment or notice of intent to file an adverse comment by the date specified in the direct final rule. The confirmation rule document tells the public the effective date of the rule.

(d) *Withdrawal of a direct final rule.*

(1) If FMCSA receives an adverse comment or a notice of intent to file an adverse comment within the comment period, it will publish a rule document in the **Federal Register**, before the effective date of the direct final rule, advising the public and withdrawing the direct final rule.

(2) If FMCSA withdraws a direct final rule because of an adverse comment, the Agency may issue a notice of proposed rulemaking if it decides to pursue the rulemaking.

Issued on: May 24, 2010.

Anne S. Ferro,  
Administrator.

[FR Doc. 2010-12834 Filed 5-27-10; 8:45 am]

BILLING CODE 4910-EX-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 21

[FWS-R9-MB-2010-0020; 91200-1231-9BPP]

RIN 1018-AX09

#### Migratory Bird Permits; Changes in the Regulations Governing Migratory Bird Rehabilitation

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service, published a final rule in the **Federal Register** on October 27, 2003, to create regulations governing

migratory bird rehabilitation in the United States. Before creation of those regulations, rehabilitators were required to obtain a special purpose permit to engage in rehabilitation activities. The language in the final paragraph of the 2003 regulations dealt with the transition of special purpose permit holders to operation under the new rehabilitation permit regulations. This paragraph is no longer relevant, so we remove it from the regulation.

**DATES:** This regulations change will be effective on May 28, 2010.

**FOR FURTHER INFORMATION CONTACT:** Dr. George T. Allen, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, 703-358-1825.

#### SUPPLEMENTARY INFORMATION:

##### Background

On October 27, 2003, we published a final rule in the **Federal Register** (68 FR 61123) to establish regulations for the issuance of permits to rehabilitate migratory birds in the United States. These regulations are at 50 CFR 21.31. Prior to issuance of the rehabilitation permit rule, migratory bird rehabilitators were required to obtain a special use permit to engage in rehabilitation activities. The last paragraph in the rehabilitation permit rule dealt with how we would handle issuing permits during the transition to the (then) new regulations. Since publication of that rule, all persons interested in having a permit to rehabilitate migratory birds must have transitioned from a special purpose permit to a rehabilitation permit. Because special purpose permits are valid for only 3 years, all of those permits in existence in 2003 have expired by now.

Therefore, the text in 50 CFR 21.31(i), "Will I need to apply for a new permit under this section if I already have a special purpose permit to rehabilitate birds, issued under § 21.27 (Special purpose permits)?" is no longer needed. With this final rule, our only change to the rehabilitation regulations is to remove all of the language under paragraph (i). This change is simply a ministerial administrative action to remove text that is no longer necessary from the Code of Federal Regulations and, therefore, will have no substantive effect on the general public.

##### Administrative Procedure

In accordance with section 553 (b)(3)(B) of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*), we are issuing this final rule without prior opportunity for public comment because public notice and comment

procedures are unnecessary. We find that good cause exists to delete paragraph (i) of section 21.31 without going through the public-notice-and-comment procedure because the transition language is anachronistic and no public input received through an open comment period could justify retention of this paragraph. For the same reasons stated above, we find that there is good cause to have this final rule take effect immediately upon publication in the **Federal Register** (5 U.S.C. 553(d)(3)).

##### Required Determinations

###### Regulatory Planning and Review

The Office of Management and Budget (OMB) has determined that this rule is not significant under Executive Order 12866. OMB bases its determination upon the following four criteria:

a. Whether the rule will have an annual effect of \$100 million or more on the economy or adversely affect an economic sector, productivity, jobs, the environment, or other units of the government.

b. Whether the rule will create inconsistencies with other Federal agencies' actions.

c. Whether the rule will materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients.

d. Whether the rule raises novel legal or policy issues.

###### Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*)

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 (Pub. L. 104-121)), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (that is, small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities.

SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide the statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities. We have examined this rule's potential effects on small entities as required by the Regulatory Flexibility Act, and have determined that this