

the petition of Iowa Telecommunications Services, Inc. (Iowa Telecom), for reconsideration of the Commission's *Data Gathering Order* published Wednesday, April 12, 2000 (65 FR 19675). Iowa Telecom requested the Commission to adopt annual statistical sampling for certain rural telephone companies in lieu of reporting Form 477 data.

FOR FURTHER INFORMATION CONTACT: Thomas J. Beers, Deputy Chief, or John C. K. Hays, Senior Attorney, Industry Analysis and Technology Division, Wireline Competition Bureau, at (202) 418-0952.

SUPPLEMENTARY INFORMATION: Iowa Telecommunications Services, Inc. (Iowa Telecom), in a petition for reconsideration of the *Data Gathering Order*, asked the Commission to adopt annual statistical sampling for certain rural telephone companies in lieu of reporting Form 477 data. The Commission denied the petition finding that Iowa Telecom has not raised materially new or persuasive arguments beyond those considered in the *Data Gathering Order*, nor has it alleged substantially changed circumstances to justify the requested relief. Parties wishing to revisit these arguments more generally may do so in the context of the Notice of Proposed Rulemaking in WC Docket No. 04-141.

Ordering Clauses

It is further ordered that, pursuant to sections 1-5, 10, 11, 201-205, 215, 218-220, 251-271, 303(r), 332, 403, 502, and 503 of the Communications Act of 1934, as amended, 47 U.S.C. 151-155, 160, 161, 201-205, 215, 218-220, 251-271, 303(r), 332, 403, 502, and 503, section 706 of the Telecommunications Act of 1996, 47 U.S.C. 157 nt, and sections 1.106 and 1.429 of the Commission's rules, 47 CFR 1.106 and 1.429, the petition for reconsideration filed by Iowa Telecommunications Services, Inc. is *denied*.

It is further ordered that CC Docket No. 99-301 is *terminated*.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 600 and 622

[Docket No. 031007250-4079-02; I.D. 091503E]

RIN 0648-A063

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Dolphin and Wahoo Fishery Off the Atlantic States

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 approved measures of the Fishery Management Plan for the Dolphin and Wahoo Fishery off the Atlantic States (FMP). For the dolphin and wahoo fishery in the exclusive economic zone (EEZ) off the Atlantic states (Maine through the east coast of Florida), this final rule will require vessel owners to obtain commercial vessel and charter vessel/headboat permits and, if selected, submit reports; require operators of commercial vessels, charter vessels, and headboats to obtain operator permits; require dealers to obtain permits and, if selected, submit reports; establish bag limits and a minimum size limit (dolphin only); close the longline fisheries in areas closed to the use of such gear for highly migratory pelagic species; prohibit sale without a commercial vessel permit; specify allowable gear; and establish a framework procedure by which the South Atlantic Fishery Management Council (Council) could establish and modify certain management measures in a timely manner. The FMP also specifies maximum sustainable yield (MSY), optimum yield (OY), the determinants of overfishing (maximum fishing mortality threshold (MFMT)) and overfished (minimum stock size threshold (MSST)), the management unit, the fishing year, and essential fish habitat (EFH) and EFH habitat areas of particular concern (EFH-HAPCs). In addition, NMFS informs the public of the approval by the Office of Management and Budget (OMB) of the collection-of-information requirements contained in this final rule and publishes the OMB control numbers for those collections. The intended effects are to conserve and manage dolphin and wahoo and to ensure that no new fisheries for dolphin and wahoo develop.

DATES: This final rule is effective June 28, 2004, except for the amendments to §§ 622.4(a)(1)(i)(E), 622.4(a)(2)(xii), 622.4(a)(4), 622.5(a)(1)(vi), 622.5(a)(2)(i), 622.5(b)(1), 622.5(c)(8), 622.39(f), 622.41(l)(2), 622.44(f), and 622.45(i) that are effective September 24, 2004 and the amendments to § 622.4(a)(5) and 622.4(i) that are effective November 23, 2004.

ADDRESSES: Copies of the Final Regulatory Flexibility Analysis (FRFA) may be obtained from NMFS, Southeast Regional Office, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

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 Robert Sadler, Southeast Region, NMFS, at the above address, and by e-mail to David_Rostker@omb.eop.gov, or fax to 202-395-7285.

FOR FURTHER INFORMATION CONTACT: Steve Branstetter, phone: 727-570-5305, fax: 727-570-5583, e-mail: Steve.Branstetter@noaa.gov.

SUPPLEMENTARY INFORMATION: The Council prepared the FMP under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

On September 26, 2003, NMFS announced the availability of the FMP and requested comments on it (68 FR 55573). NMFS published a proposed rule to implement the FMP and requested comments on the proposed rule through December 18, 2003 (68 FR 62267, November 3, 2003). NMFS partially approved the FMP on December 23, 2003; NMFS disapproved the restrictive qualifying criteria for a commercial vessel permit, commercial vessel permit transfer provisions, commercial trip limits for dolphin applicable to vessels with a commercial permit for Atlantic dolphin and wahoo, designation of sargassum as EFH, and the designation of sargassum as an EFH-HAPC. The rationale for the approved measures in the FMP is provided in the preamble to the proposed rule and is not repeated here.

Comments and Responses

NMFS received 75 letters from the public during the comment periods on the FMP and the proposed rule. The comments are summarized below along with NMFS' responses.

Comment 1: The FMP represents a much needed management strategy for the dolphin and wahoo stocks of the U.S. Atlantic Coast. This proactive strategy will maintain healthy stocks of dolphin and wahoo for all user and