

States. In that context, the ITU Radio Regulations govern. Thus, our decision here is limited to the determination that when applying for market access in the United States, non-U.S.-licensed operators must meet the same legal and technical rules as U.S. licensees, and where departures from those rules are sought, the same waiver standards apply.

#### Ordering Clauses

Accordingly, *it is ordered* that, pursuant to the authority contained in sections 1, 4(i), 4(j), 7(a), 301, 303(c), 303(f), 303(g), 303(r), 303(y), and 308 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 157(a), 301, 303(c), 303(f), 303(g), 303(r), 303(y), 308, this Order on Reconsideration *is adopted*.

*It is further ordered* that Telesat Canada's Petition for Reconsideration filed on September 28, 2007 *is denied*.

*It is further ordered* that Telesat Canada's Petition for Reconsideration filed on November 21, 2007 *is denied*.

*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 act certification, to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with section 603(a) of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* (1981).

*It is further ordered* that the Commission shall send a copy of this *Order on Reconsideration* in a report to be sent to Congress and the General Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 2011-6145 Filed 3-15-11; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 224

[Docket No. 110223163-1180-01]

RIN 0648-XA231

#### Listing Endangered and Threatened Species: Correction To Codify in the Code of Federal Regulations Endangered Status for Southern Resident Killer Whales

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

**ACTION:** Final rule; correcting amendment.

**SUMMARY:** We, NMFS, announce a correcting amendment to the Code of Federal Regulations to identify the Southern Resident killer whale (*Orcinus orca*) distinct population segment (DPS) as an endangered species under the Endangered Species Act of 1973 (ESA).

**DATES:** Effective March 16, 2011.

**FOR FURTHER INFORMATION CONTACT:** For further information regarding this correcting amendment contact Steve Stone, NMFS, Northwest Region, 503-231-2317; or Marta Nammack, NMFS, Office of Protected Resources, 301-713-1401.

#### SUPPLEMENTARY INFORMATION:

#### Background and Correcting Amendment

We listed the Southern Resident killer whale DPS as an endangered species under the ESA on November 18, 2005 (70 FR 69903). That final rule became effective on February 16, 2006, and the species was included in the enumeration of endangered species at 50 CFR 224.101(b). In separate and unrelated rulemaking, we published a final rule on March 6, 2008 (73 FR 12024), to list the North Pacific right whale (*Eubalaena japonica*) and North Atlantic right whale (*E. glacialis*) as separate endangered species under the ESA. In that more recent rule the Southern Resident killer whale DPS was inadvertently dropped from the enumeration of endangered species at 50 CFR 224.101(b). This correcting amendment remedies that oversight.

#### Classification

The Assistant Administrator (AA) finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and opportunity for public comment because it is impracticable, unnecessary,

and contrary to the public interest. We fully intended the Southern Resident killer whale DPS to be listed as an endangered species under the ESA and expressly stated this intent in the November 2005 final rule (70 FR 69903; November 18, 2005). We also previously provided public notice in the **Federal Register** and considered public comments on the 2004 proposed rule (69 FR 76673; December 22, 2004). Further, this DPS was correctly included in the October 2006 and 2007 issues of the CFR. However, due to a clerical error in unrelated rulemaking on March 6, 2008 (73 FR 12024), the DPS was omitted from the list of endangered species published at 50 CFR 224.101 in the October 2008 and subsequent issues of the CFR. In order to avoid regulatory confusion and ensure continuous protections and enforcement capability for the Southern Resident killer whale, the AA waives the requirement for prior notice and opportunity for public comment.

For the same reasons above, the AA finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness and makes this rule effective immediately upon publication.

Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis is not required and has not been prepared.

It has been determined that this rule is not significant for purposes of Executive Order 12866.

#### References

Copies of previous **Federal Register** notices and related reference materials are available on the Internet at <http://www.nwr.noaa.gov>, or upon request (*see FOR FURTHER INFORMATION CONTACT* section above).

#### List of Subjects in 50 CFR Part 224

Endangered marine and anadromous species.

Dated: March 10, 2011.

**Samuel D. Rauch III,**

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

For the reasons set forth in the preamble, 50 CFR part 224 is corrected by making the following correcting amendment:

#### PART 224—ENDANGERED MARINE AND ANADROMOUS SPECIES

■ 1. The authority citation for part 224 continues to read as follows:

**Authority:** 16 U.S.C. 1531–1543 and 16 U.S.C. 1361 *et seq.*

**§ 224.101 [Amended]**

■ 2. In § 224.101, paragraph (b), add “Killer whale (*Orcinus orca*), Southern Resident distinct population segment, which consists of whales from J, K and L pods, wherever they are found in the wild, and not including Southern Resident killer whales placed in captivity prior to listing or their captive born progeny” following “Indus River dolphin (*Platanista minor*);”.

[FR Doc. 2011–6137 Filed 3–15–11; 8:45 am]

**BILLING CODE 3510–22–P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 300**

[Docket No. 110104009–1186–02]

**RIN 0648–BA25**

**Pacific Halibut Fisheries; Catch Sharing Plan**

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

**ACTION:** Final rule.

**SUMMARY:** The Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration (NOAA AA), on behalf of the International Pacific Halibut Commission (IPHC), publishes annual management measures promulgated as regulations by the IPHC and approved by the Secretary of State governing the Pacific halibut fishery. The AA also announces modifications to the Catch Sharing Plan (CSP) for Area 2A (waters off the U.S. West Coast) and implementing regulations for 2011, and announces approval of the Area 2A CSP. These actions are intended to enhance the conservation of Pacific halibut and further the goals and objectives of the Pacific Fishery Management Council (PFMC) and the North Pacific Fishery Management Council (NPFMC) (Councils).

**DATES:** This rule is effective April 15, 2011. The IPHC’s 2011 annual management measures are effective March 16, 2011, except for the measures in section 26, which are effective April 15, 2011. The 2011 management measures are effective until superseded.

**ADDRESSES:** Additional requests for information regarding this action may be obtained by contacting: the

International Pacific Halibut Commission, 2320 W. Commodore Way Suite 300, Seattle, WA 98199–1287; or Sustainable Fisheries Division, NMFS Alaska Region, P.O. Box 21668, Juneau, AK 99802, Attn: Ellen Sebastian, Records Officer; or Sustainable Fisheries Division, NMFS Northwest Region, 7600 Sand Point Way, NE, Seattle WA 98115. This final rule also is accessible via the Internet at the Federal eRulemaking portal at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** For waters off Alaska, Glenn Merrill, 907–586–7228, e-mail at [glenn.merrill@noaa.gov](mailto:glenn.merrill@noaa.gov); or Peggy Murphy, 907–586–7228, e-mail at [peggy.murphy@noaa.gov](mailto:peggy.murphy@noaa.gov); or, for waters off the U.S. West Coast, Sarah Williams, 206–526–4646, e-mail at [sarah.williams@noaa.gov](mailto:sarah.williams@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

The IPHC has promulgated regulations governing the Pacific halibut fishery in 2011 under the Convention between Canada and the United States for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea (Convention), signed at Ottawa, Ontario, on March 2, 1953, as amended by a Protocol Amending the Convention (signed at Washington, DC, on March 29, 1979).

As provided by the Northern Pacific Halibut Act of 1982 (Halibut Act) at 16 U.S.C. 773b, the Secretary of State, with the concurrence of the Secretary of Commerce (Secretary), may accept or reject, on behalf of the United States, recommendations made by the IPHC in accordance with the Convention (Halibut Act, Section 773–773k.). On March 8, 2011, the Secretary of State of the United States, with the concurrence of the Secretary of Commerce, accepted the 2011 IPHC regulations as provided by the Northern Pacific Halibut Act of 1982 (Halibut Act) at 16 U.S.C. 773–773k.

The Halibut Act provides the Secretary with the authority and general responsibility to carry out the requirements of the Convention and the Halibut Act. The Regional Fishery Management Councils may develop and the Secretary may implement regulations governing harvesting privileges among U.S. fishermen in U.S. waters that are in addition to, and not in conflict with approved IPHC regulations. The NPFMC has exercised this authority most notably in developing a suite of halibut management programs that correspond to the three fisheries that harvest halibut in Alaska: the subsistence, sport, and

commercial fisheries. In 2010/2011, these programs were revised by regulations recommended by the NPFMC.

On January 5, 2010, NMFS published a final rule implementing a Limited Access System for Guided Sport Charter Vessels in Alaska for halibut in IPHC Regulatory Areas 2C and 3A (75 FR 554). On September 17, 2010, NMFS amended these regulations to revise the method of assigning angler endorsements to charter halibut permits to more closely align each endorsement vessel anglers reported for each vessel that a charter business used to qualify for a charter halibut permit (75 FR 56904).

On January 12, 2010, NMFS published notice that applications would be accepted from persons February 4, 2010, through April 5, 2010, that applied to receive a charter halibut permit under the limited access program for the guided charter fishery for halibut in Area 2C and Area 3A (75 FR 1595). Beginning February 1, 2011, Area 2C and Area 3A charter business operators were required to have a charter halibut permit on board a vessel if charter vessel anglers are catching and retaining halibut.

On February 7, 2011, NMFS published a final rule amending recordkeeping and reporting requirements for halibut charter vessels operating in IPHC Areas 2C and 3A (76 FR 6567). This rule improves consistency between State of Alaska and Federal regulations regarding the submission of charter logbook data sheets, logbook recording requirements, and the definition of a fishing week.

Changes in subsistence and sport halibut fishery management measures are codified at 50 CFR 300. Commercial halibut fisheries in Alaska operate within the Individual Fishing Quota (IFQ) Program and Community Development Quota (CDQ) Program (50 CFR part 679), and through area-specific catch sharing plans. Regulations for a commercial and sport fishery Halibut CSP in Areas 2C and 3A are being developed pursuant to the NPFMC authority under the Halibut Act.

The PFMC also exercises authority in a CSP allocating halibut among groups of fishermen in Area 2A; off the coasts of Washington, Oregon, and California. The CSP allocates the Area 2A catch limit among treaty Indian and non-Indian harvesters, and non-Indian commercial and sport harvesters. The treaty Indian group includes Tribal commercial and Tribal ceremonial and subsistence fisheries. The Secretary implemented the Area 2A CSP recommended by the PFMC in 1995.