

Technical Information: George A. Quadrino, 202–523–5800; Gary G. Kadian, 202–523–5856, tradeanalysis@fmc.gov.

SUPPLEMENTARY INFORMATION: In FR Doc. 2011–4599 appearing in the **Federal Register** of Wednesday, March 2, 2011 (76 FR 11351), the following corrections are made:

§ 532.5 [Corrected]

■ 1. On page 11361, in the first column, in § 532.5 Requirements for NVOCC negotiated rate arrangements, the word “contain” in paragraph (b) is capitalized and, paragraph (c) is corrected to read as follows:

“(c) Be agreed to by both NRA shipper and NVOCC, prior to receipt of cargo by the common carrier or its agent (including originating carriers in the case of through transportation);”

§ 532.6 [Corrected]

■ 2. On page 11361, in the second column, in § 532.6 Notices, the paragraph designations are removed and the text of the section is correctly revised to read as follows:

“An NVOCC wishing to invoke an exemption pursuant to this part must indicate that intention to the Commission and to the public by a prominent notice in its rules tariff and bills of lading or equivalent shipping documents.”

By the Commission.

Karen V. Gregory,
Secretary.

[FR Doc. 2011–8467 Filed 4–7–11; 8:45 am]

BILLING CODE 6730–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

49 CFR Part 8

[Docket No. DOT–OST–1999–6189]

RIN 9991–AA58

Classified Information: Classification/Declassification/Access; Authority To Classify Information

AGENCY: Office of the Secretary of Transportation (OST), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This final rule delegates various authorities vested in the Secretary of Transportation (Secretary) by Executive Order 13526 to originally classify information as SECRET or CONFIDENTIAL to the Administrator of

the Federal Aviation Administration, and to the Assistant Administrator for Security and Hazardous Materials.

DATES: This final rule is effective April 8, 2011.

FOR FURTHER INFORMATION CONTACT:

Brett Jortland, Attorney, Office of the General Counsel, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590, E-mail: brett.jortland@dot.gov, Telephone: (202) 366–9314.

SUPPLEMENTARY INFORMATION: Executive Order 13526 confers upon the Secretary the authority to originally classify information as SECRET or CONFIDENTIAL, with further authorization to designate this authority. Title 49 of the Code of Federal Regulations (CFR), Section 8.11(b)(3) delegates this authority to the Administrator of the Federal Aviation Administration (FAA), and the Assistant Administrator for Civil Aviation Security. As a result of administrative changes within the FAA, the position of the Assistant Administrator for Civil Aviation Security no longer exists. The authority exercised by that position has been transferred to the Assistant Administrator for Security and Hazardous Materials, thus necessitating a change in the language of § 8.11(b)(3) to reflect the proper office for designation of this authority.

In addition, following the creation of the Department of Homeland Security, and the transfer of the United States Coast Guard from DOT to the Department of Homeland Security, the delegation of authority from the Secretary to the United States Coast Guard is hereby removed and the section is renumbered accordingly.

Since these amendments relate to departmental management, organization, procedure, and practice, notice and comment are unnecessary under 5 U.S.C. 553(b). Further, since these amendments expedite DOT’s ability to meet the statutory intent of the applicable laws and regulations covered by this delegation, the Secretary finds good cause under 5 U.S.C. 553(d)(3) for the final rule to be effective on the date of publication in the **Federal Register**.

Regulatory Impact and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

The final rule is not considered a significant regulatory action under Executive Order 12866 and DOT Regulatory Policies and Procedures. See 44 FR 11034, Feb. 26, 1979. There are no costs associated with this rule.

B. Regulatory Flexibility Act and Executive Order 13272

Because no notice of proposed rulemaking is required for this rule under the Administrative Procedure Act, 5 U.S.C. 553, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply. We also do not believe that this rule would impose any costs on small entities because it simply delegates authority from one official to another. Therefore, I certify that this final rule will not have a significant economic impact on a substantial number of small businesses.

C. Paperwork Reduction Act

This rule contains no information collection requirements under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

D. Federalism Implications

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 (“Federalism”). This final rule does not have a substantial direct effect on, or sufficient federalism implications for, the States, nor would it limit the policymaking discretion of the States. Therefore, the consultation requirements of Executive Order 13132 do not apply.

E. Executive Order 13175

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13175 (“Consultation and Coordination with Indian Tribal Governments”). Because this final rule does not significantly or uniquely affect the communities of the Indian Tribal governments and does not impose substantial direct compliance costs, the funding and consultation requirements of Executive Order 13175 do not apply.

F. Unfunded Mandates Reform Act of 1995

DOT has determined that the requirements of title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1531) do not apply to this rulemaking.

List of Subjects in 49 CFR Part 8

Classified Information (Government agencies), Classification/Declassification/Access (Government agencies).

The Final Rule

For the reasons set forth in the preamble, OST amends 49 CFR part 8 as follows:

PART 8—[AMENDED]

■ 1. The authority citation for part 8 continues to read as follows:

Authority: E. O. 10450, 3 CFR, 1949–1953 Comp., p. 936; E.O. 12829, 3 CFR, 1993 Comp., p. 570; E.O. 12958, 3 CFR, 1995 Comp., p. 333; E. O. 12968, 3 CFR, 1995 Comp., p. 391.

Subpart B—Classification/Declassification of Information**§ 8.11 [Amended]**

■ 2. Section 8.11 is amended as follows:

- a. By removing paragraph (b)(2),
- b. By redesignating paragraphs (b)(3) and (b)(4) as (b)(2) and (b)(3)
- c. By amending newly designated paragraph (b)(2) by removing the reference “Assistant Administrator for Civil Aviation Security”, and by adding in its place, the reference “Assistant Administrator for Security and Hazardous Materials.”

Issued in Washington, DC, on March 30, 2011.

Ray LaHood,

Secretary of Transportation.

[FR Doc. 2011–8292 Filed 4–7–11; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 300**

[Docket No. 110325225–1224–02]

RIN 0648–BA96

Pacific Halibut Fisheries; Limited Access for Guided Sport Charter Vessels in Alaska

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

ACTION: Final rule; interpretation.

SUMMARY: This interpretation clarifies regulations that apply to vessels operating in the guided sport (charter) fishery for halibut in International Pacific Halibut Commission Management Area 2C (Southeast Alaska) and Area 3A (Central Gulf of Alaska). Under regulations implementing the charter halibut limited access program, all vessel operators in Area 2C and Area 3A with charter vessel anglers on board catching and retaining halibut must have a valid charter halibut permit that was issued by NMFS on board the vessel. This interpretation clarifies that a valid charter halibut permit must be

on board a vessel when the charter vessel guide on board is being compensated to provide assistance to persons catching and retaining halibut. A charter vessel guide is not required to have a charter halibut permit on board a vessel during a recreational halibut fishing trip on which he or she is not being compensated to provide assistance to persons catching and retaining halibut.

DATES: This rule is effective on April 8, 2011.

ADDRESSES: Electronic copies of this action and other related documents are available from <http://www.regulations.gov> or from the NMFS Alaska Region Web site at <http://alaskafisheries.noaa.gov>.

FOR FURTHER INFORMATION CONTACT: Rachel Baker, 907–586–7228.

SUPPLEMENTARY INFORMATION:**Background**

The International Pacific Halibut Commission (IPHC) and NMFS manage fishing for Pacific halibut (*Hippoglossus stenolepis*) through regulations established under authority of the Northern Pacific Halibut Act of 1982 (Halibut Act) (16 U.S.C. 773 *et seq.*). Sections 773c(a) and (b) of the Halibut Act provide the Secretary of Commerce (Secretary) with general responsibility to carry out the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea and the Halibut Act. Section 773c(c) of the Halibut Act also authorizes the North Pacific Fishery Management Council (Council) to develop regulations, including limited access regulations, that are in addition to, and not in conflict with, approved IPHC regulations. Such Council-developed regulations may be implemented by NMFS only after approval by the Secretary. The Council has exercised this authority in the development of its limited access program for charter vessels in the guided sport fishery, codified at 50 CFR 300.67.

Charter Halibut Limited Access Program

In March 2007, the Council recommended a limited access program for charter vessels in IPHC Regulatory Area 2C and Area 3A. The intent of the program was to manage growth of fishing capacity in the charter sector by limiting the number of charter vessels that may participate in the guided sport fishery for halibut in Areas 2C and 3A. NMFS published a final rule implementing the program on January 5, 2010 (75 FR 554). Under the program,

NMFS initially issued a charter halibut permit (CHP) to qualified applicants. A person who was not initially issued a CHP by NMFS may obtain a transferable CHP from another person by submitting a transfer application and meeting CHP transfer requirements. A permit holder may use a CHP on board any vessel that meets Federal and State requirements to operate as a charter vessel in the guided sport fishery for halibut in Areas 2C and 3A.

Beginning February 1, 2011, any person operating a vessel on which charter vessel anglers are catching and retaining halibut in Area 2C or Area 3A is required to have on board the vessel a CHP designated for that area. This requirement is codified in the regulations as a prohibition. The regulation at § 300.66(r) prohibits a person from being an operator of a vessel in Area 2C or Area 3A with one or more charter vessel anglers on board that are catching and retaining halibut without having a valid CHP for the regulatory area in which the vessel is operating.

Interpretation

This interpretation clarifies that a CHP is required to be on board a vessel in Area 2C or Area 3A if both of the following conditions are met: (1) One or more persons on board are catching and retaining halibut, and (2) a charter vessel guide on board the vessel is receiving compensation to assist a person to take, or attempt to take, halibut.

Regulations at § 300.61 include three definitions that are relevant for determining whether a CHP is required to be on board a vessel in Area 2C or Area 3A. These definitions are “charter vessel angler,” “charter vessel guide,” and “sport fishing guide services.” For purposes of regulations at §§ 300.65(d), 300.66, and 300.67:

1. “Charter vessel angler” means a person, paying or non-paying, using the services of the charter vessel guide.

2. “Charter vessel guide” means a person who holds an annual sport guide license issued by the Alaska Department of Fish and Game, or a person who provides sport fishing guide services.

3. “Sport fishing guide services” means assistance, for compensation, to a person who is sport fishing, to take or attempt to take fish by being on board a vessel with such person during any part of a charter vessel fishing trip.

NMFS interprets “services” in the definition of “charter vessel angler” to mean “sport fishing guide services” as defined at § 300.61. Under this interpretation, a person who takes or attempts to take halibut would only be