

**§ 110.3 Definitions.**

\* \* \* \* \*

(f) *Covered Countermeasure* means the term that is defined in section 319F-3(i)(1) of the PHS Act and described in a declaration issued under section 319F-3(b) of the PHS Act (42 U.S.C. 247d-6d(i)(I), (b)). To be a covered countermeasure for purposes of this part, the countermeasure must have been administered or used pursuant to the terms of a declaration, or in a good faith belief of such; and

(1) Administered or used within a State (as defined in § 110.3(bb)), or otherwise in the territory of the United States; or

\* \* \* \* \*

(g) *Covered Injury* means death, or a serious injury as described in § 110.3(z), and determined by the Secretary in accordance with § 110.20 of this part to be:

\* \* \* \* \*

■ 3. Amend § 110.42 by revising paragraph (f) to read as follows:

**§ 110.42 Deadlines for filing Request Forms.**

\* \* \* \* \*

(f) *Request Forms (or amendments to Request Forms) based on initial publication of a Table of Injuries or modifications to an existing Table.* The Secretary may publish a new Table (or Tables) by amendment(s) to subpart K of this part. The effect of such a new Table or amendment may enable a requester who previously could not establish a Table injury to do so. In such circumstances, within one year after the effective date of the establishment of, or amendment to, the Table, the requester must file a new Request Form if one was previously submitted and eligibility was denied or if one was not previously submitted. If the Secretary has not made a determination, she will automatically review any pending Request Forms in light of the new or amended Table(s).

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**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Chapter I**

[PS Docket No. 06-229; WT Docket 06-150; WP Docket 07-100; FCC 11-113]

**Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band**

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** In this document, the Commission considered a request for declaratory ruling filed by the City of Charlotte, North Carolina, seeking guidance on the scope of permissible operations under section 337 of the Communications Act as undertaken by state, local and other governmental entities in the public safety broadband spectrum of the 700 MHz band. The Commission dismissed the request, but clarified that a reasonably broad interpretation of the definition of “public safety services” under section 337 of the Act would allow some of the uses proposed by Charlotte and other commenters.

DATES: Effective October 7, 2011.

**FOR FURTHER INFORMATION CONTACT:**

Jennifer Manner, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street, SW., Room 7-C761, Washington, DC 20554. Telephone: (202)-418-3619, e-mail: [jennifer.manner@fcc.gov](mailto:jennifer.manner@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission’s *Fourth Report and Order*, FCC 11-113, adopted July 20, 2011, and released July 21, 2011. The *Fourth Report and Order* is available at [http://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2011/db0721/FCC-11-113A1.pdf](http://transition.fcc.gov/Daily_Releases/Daily_Business/2011/db0721/FCC-11-113A1.pdf).

**Summary of Fourth Report and Order**

The Commission considered a request for declaratory ruling filed by the City of Charlotte, North Carolina (Charlotte), requesting that the Commission clarify that “[t]erritories, possessions, states, counties, towns or similar State or local governmental entities that qualify as 700 MHz lessees/users have as their sole or principal purpose the protection of the safety of life, health and property and are permitted to use 700 MHz broadband spectrum for activities conducted by their personnel including, but not limited to, activities of police, fire and medical emergency first responders.” The Commission determined that the plain language of section 337 of the Communications Act does not support this broad presumption, and it accordingly dismissed Charlotte’s request. The Commission clarified, however, that there is sufficient flexibility within section 337 to encompass many of the state and local government uses of the spectrum contemplated by Charlotte and by other commenters.

**Regulatory Flexibility Act**

This *Fourth Report and Order* does not promulgate any “rule” as that term is defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2) *et. seq.*, so the Commission is not required to prepare a Final Regulatory Flexibility Analysis at this stage of this proceeding.

**Paperwork Reduction Act Analysis**

The *Fourth Report and Order* contains no new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. The Commission shall send a copy of the *Fourth Report and Order* in a report to be sent to Congress and the Government 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. 2011-26023 Filed 10-6-11; 8:45 am]

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 622**

[Docket No. 001005281-0369-02]

RIN 0648-XA753

**Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure**

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

ACTION: Temporary rule; closure.

**SUMMARY:** NMFS closes the northern Florida west coast subzone to the commercial harvest of king mackerel in or from the exclusive economic zone (EEZ). This closure is necessary to protect the Gulf king mackerel resource.

**DATES:** This rule is effective 12:01 a.m., local time, October 7, 2011, until 12:01 a.m., local time, July 1, 2012, unless changed by further notice in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Susan Gerhart, telephone: 727-824-5305, or e-mail: [susan.gerhart@noaa.gov](mailto:susan.gerhart@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The fishery for coastal migratory pelagic fish