

§ 110.3 Definitions.

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(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

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(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:

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

§ 110.42 Deadlines for filing Request Forms.

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(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.

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.

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.

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish

(king mackerel, Spanish mackerel, cero, cobia, little tunny, dolphin, and, in the Gulf of Mexico (Gulf) only, bluefish) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

On April 27, 2000, NMFS implemented the final rule (65 FR 16336, March 28, 2000) that divided the Florida west coast subzone of the Gulf of Mexico eastern zone into northern and southern subzones, and established their separate commercial quotas. The northern Florida west coast subzone is located in Federal waters of the Gulf north of 26°19.8' N lat. (a line directly west from the Lee/Collier County, FL boundary) and east of 87°31.1' W long. (a line directly south from the Alabama/Florida boundary). The quota for the northern subzone is 168,750 lb (76,544 kg)(50 CFR 622.42(c)(1)(ii)).

In accordance with 50 CFR 622.43(a), NMFS is required to close any zone to the commercial harvest of king mackerel when the zone's quota has been reached, or is projected to be reached, by filing a notification with the Office of the **Federal Register**. NMFS has determined the commercial quota for

Gulf group king mackerel in the northern Florida west coast subzone will be reached by October 7, 2011. Accordingly, commercial fishing for Gulf group king mackerel in the northern Florida west coast subzone is closed effective 12:01 a.m., local time, October 7, 2011, until 12:01 a.m., local time, July 1, 2012, the end of the current fishing year.

During the closure period, no person aboard a vessel for which a commercial permit for king mackerel has been issued may fish for or retain Gulf group king mackerel in Federal waters of the closed subzone. There is one exception, however, for a person aboard a charter vessel or headboat. A person aboard a vessel that has a valid charter/headboat permit and also has a commercial king mackerel permit for coastal migratory pelagic fish may continue to retain king mackerel in or from the closed subzone under the 2-fish daily bag limit, provided the vessel is operating as a charter vessel or headboat. Charter vessels or headboats that hold a commercial king mackerel permit are considered to be operating as a charter vessel or headboat when they carry a passenger who pays a fee or when more than three persons are aboard, including operator and crew.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds the need to immediately

implement this commercial closure constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such procedures would be unnecessary and contrary to the public interest. Such procedures would be unnecessary because the rule itself already has been subject to notice and comment, and all that remains is to notify the public of the closure.

Allowing prior notice and opportunity for public comment is contrary to the public interest because of the need to immediately implement this action to protect the fishery resource because the capacity of the commercial fleet allows for rapid harvest of the quota. Prior notice and opportunity for public comment would require time and potentially result in a harvest well in excess of the established quota.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in effectiveness of this action under 5 U.S.C. 553(d)(3).

This action is taken under 50 CFR 622.43(a) and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 4, 2011.

Steven Thur,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2011-26015 Filed 10-4-11; 4:15 pm]

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