

Canyon	N. Lat.			W. Long.		
	Degrees	Min	Seconds	Degrees	Min	Seconds
Oceanographer .....	40.0	29.0	50.0	68.0	10.0	30.0
	40.0	29.0	30.0	68.0	8.0	34.8
	40.0	25.0	51.6	68.0	6.0	36.0
	40.0	22.0	22.8	68.0	6.0	50.4
	40.0	19.0	40.8	68.0	4.0	48.0
	40.0	19.0	5.0	68.0	2.0	19.0
	40.0	16.0	41.0	68.0	1.0	16.0
	40.0	14.0	28.0	68.0	11.0	28.0
Lydonia .....	40.0	31.0	55.2	67.0	43.0	1.2
	40.0	28.0	52.0	67.0	38.0	43.0
	40.0	21.0	39.6	67.0	37.0	4.8
	40.0	21.0	4.0	67.0	43.0	1.0
	40.0	26.0	32.0	67.0	40.0	57.0
	40.0	28.0	31.0	67.0	43.0	0.0
Veatch .....	40.0	0.0	40.0	69.0	37.0	8.0
	40.0	0.0	41.0	69.0	35.0	25.0
	39.0	54.0	43.0	69.0	33.0	54.0
	39.0	54.0	43.0	69.0	40.0	52.0
Norfolk .....	37.0	5.0	50.0	74.0	45.0	34.0
	37.0	6.0	58.0	74.0	40.0	48.0
	37.0	4.0	31.0	74.0	37.0	46.0
	37.0	4.0	1.0	74.0	33.0	50.0
	36.0	58.0	37.0	74.0	36.0	58.0
	37.0	4.0	26.0	74.0	41.0	2.0

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**DEPARTMENT OF DEFENSE****Department of the Navy****32 CFR Part 706****Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972****AGENCY:** Department of the Navy, DoD.**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty and Maritime Law) has determined that USS PROVIDENCE (SSN 719) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

**DATES:** This rule is effective August 24, 2009 and is applicable beginning August 13, 2009.

**FOR FURTHER INFORMATION CONTACT:**

Lieutenant Commander Ted Cook, JAGC, U.S. Navy, Admiralty Attorney, (Admiralty and Maritime Law), Office of the Judge Advocate General, Department of the Navy, 1322 Patterson Ave., SE., Suite 3000, Washington Navy Yard, DC 20374-5066, telephone number: 202-685-5040.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706.

This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that USS PROVIDENCE (SSN 719) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Rule 21(a), pertaining to the placement of the masthead light on the ship's fore and aft centerline. The Deputy Assistant Judge Advocate General (Admiralty and Maritime Law) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is

impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

**List of Subjects in 32 CFR Part 706**

Marine safety, Navigation (water), and Vessels.

■ For the reasons set forth in the preamble, the Navy amends part 706 of title 32 of the Code of Federal Regulations as follows:

**PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972**

■ 1. The authority citation for part 706 continues to read as follows:

**Authority:** 33 U.S.C. 1605.

■ 2. Section 706.2 is amended as follows:

■ A. In Table Two by adding, in alpha numerical order by vessel number, an entry for USS PROVIDENCE (SSN 719);

The additions read as follows:

**§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.**

\* \* \* \* \*

TABLE TWO

Vessel	Number	Masthead lights distance to stbd of keel in meters; Rule 21 (a)	Forward anchor light, distance below flight dk in meters; § 2(K), Annex I	Forward anchor light, number of; Rule 30(a)(i)	AFT anchor light, distance below flight dk in meters; Rule 21(e), Rule 30(a)(ii)	AFT anchor light, number of; Rule 30(a)(ii)	Side lights, distance below flight dk in meters; § 2(g), Annex I	Side lights, distance forward masthead light in meters; § 3(b), Annex I	Side lights, distance inboard of ship's sides in meters; § 3(b), Annex I
USS PROVIDENCE .....	SSN 719 ....	0.41	X	X	X	X	X	X	X

\* \* \* \* \*

Approved: August 13, 2009.

**C.J. Spain,**

*Deputy Assistant Judge Advocate General  
(Admiralty and Maritime Law), Acting.*

[FR Doc. E9-20280 Filed 8-21-09; 8:45 am]

**BILLING CODE 3810-FF-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 223

[Docket No. 0907291194-91213-01]

**RIN 0648-XQ71**

#### Listing Endangered and Threatened Species: Change in Status for the Upper Columbia River Steelhead Distinct Population Segment

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

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

**SUMMARY:** We, NMFS, announce that the Upper Columbia River steelhead is reclassified as a threatened species consistent with a recent court ruling. We also correct the table of threatened fishes to indicate that the same species is listed as threatened under the Endangered Species Act of 1973 (ESA). This species was inadvertently dropped from the table during an unrelated rulemaking.

**DATES:** Effective August 24, 2009.

**FOR FURTHER INFORMATION CONTACT:** For further information regarding this notice contact Eric Murray, NMFS, Northwest Region, (503) 231-2378; or Marta Nammack, NMFS, Office of Protected Resources, (301) 713-1401.

**SUPPLEMENTARY INFORMATION:**

#### Background

In 1997, we completed a comprehensive status review of West Coast steelhead (*Oncorhynchus mykiss*) that resulted in ESA listings for Upper Columbia River (UCR) steelhead and nine other distinct population segments (DPSs) of West Coast steelhead (62 FR 43937; Busby *et al.*, 1996). At that time, we determined that the UCR steelhead was an endangered species. In January 2006, we reclassified the UCR steelhead from endangered to threatened based on an updated review that noted increasing steelhead abundance, more widespread spawning, and artificial propagation programs aimed at improving local adaptation and diversity within the range of this DPS (71 FR 834; January 5, 2006). The decision to downlist UCR steelhead was also based on our application of a recent Policy on the Consideration of Hatchery-Origin Fish in Endangered species Act Listing Determinations for Pacific Salmon and Steelhead (70 FR 37204; June 28, 2005). Subsequent to this downlisting, we also published protective regulations (71 FR 5178; February 1, 2006), designated critical habitat (70 FR 52630; September 2, 2005), and adopted a recovery plan (72 FR 57303; October 10, 2007) for UCR steelhead. In April 2006, our decision to downlist UCR steelhead from endangered to threatened was challenged in the U.S. District Court for the Western District of Washington.

On June 13, 2007, the district court ruled that we had erred in downlisting UCR steelhead, concluding that we had not given appropriate consideration to self-sustaining natural populations (*Trout Unlimited v. Lohn*, C06-0483-JCC, 2007). The result of this ruling was to return UCR steelhead to endangered status. We appealed that decision to the U.S. Court of Appeals for the Ninth Circuit, and on March 16, 2009, that court ruled that our downlisting did not violate the ESA and that, on remand, the district court should grant NMFS' motion for summary judgment.

Accordingly, on June 18, 2009, the district court revised its ruling, effectively re-instating UCR steelhead to threatened status under the ESA.

#### Current Status

Consistent with the Courts' rulings and our listing determination of January 5, 2006 (71 FR 834), the UCR steelhead is listed as threatened under the ESA. Critical habitat was designated for UCR steelhead on September 2, 2005 (70 FR 52630). The protective regulations issued for UCR steelhead on February 1, 2006 (71 FR 5178) are now effective. A recovery plan was adopted for UCR steelhead on October 9, 2007 (72 FR 57303).

#### Correcting Amendment

In the May 9, 2006, issue of the **Federal Register**, we published a final rule to implement our determination to list elkhorn (*Acropora palmata*) and staghorn (*A. cervicornis*) corals as threatened species under the ESA (71 FR 26852). In the same action, we made a format change to ensure that all threatened species listed under sect; (223.102 were in table format to match the threatened fishes table. By mistake, we did not include the already listed UCR steelhead DPS in § 223.102(c). This document corrects the table in § 223.102(c) to include the UCR steelhead DPS as a threatened species.

#### References

Copies of previous **Federal Register** Notices and 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 223

Endangered and threatened species, Exports, Imports, Transportation.