

Chapter 335, Subchapter G—Location Standards for Hazardous Waste Storage, Processing, or Disposal, Sections 335.201(a) (except (a)(3)); 335.201(c); 335.202 introductory paragraph; 335.202(2), (4), (9)–(11), (13), (15)–(18); 335.203; 335.204(a) introductory paragraph—(a)(5); 335.204(b)(1)–(6); 335.204(c)(1)–(5); 335.204(d)(1)–(5); 335.204(e) introductory paragraph; 335.204(e)(1) introductory paragraph (except the phrase “Except as \* \* \* (B) of this paragraph,” and the word “event” at the end of the paragraph); 335.204(e)(2)–(7); 335.204(f); 335.205(a) introductory paragraph—(a)(2) and (e);

Chapter 335, Subchapter H—Standards for the Management of Specific Wastes and Specific Types of Facilities, Sections 335.211; 335.212; 335.213 (January 1, 1997); 335.214; 335.221; 335.222 through 335.225; 335.241(except (b)(4) and (d)); 335.241(d) (January 1, 1997); 335.251; 335.261 (except (e)) (December 31, 2001); 335.271; 335.272;

Chapter 335, Subchapter O—Land Disposal Restrictions, Section 335.431;

Chapter 335, Subchapter R—Waste Classification, Sections 335.504 introductory paragraph—(3); 335.504(4) (December 31, 1999).

Copies of the Texas regulations that are incorporated by reference are available from West Group, 610 Opperman Drive, Eagan, 55123, ATTENTION: Order Entry; Phone: 1-800-328-9352; Web site: <http://west.thomson.com>.

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[FR Doc. 2011-4911 Filed 3-4-11; 8:45 am]

BILLING CODE 6560-50-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 11-323; MB Docket No. 09-189; RM-11564]

#### Radio Broadcasting Services; Kualapuu, HI

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Audio Division, at the request of Kemp Communications, Inc., allots FM Channel 296C2 at Kualapuu, Hawaii. Channel 296C2 can be allotted at Kualapuu, consistent with the minimum distance separation requirements of the Commission's rules, at coordinates 21-10-57 NL and 157-13-26 WL, with a site restriction of 19.4 km (12 miles) west of the community. See **SUPPLEMENTARY INFORMATION** *infra*.

**DATES:** Effective April 4, 2011.

**FOR FURTHER INFORMATION CONTACT:** Deborah Dupont, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MB Docket No. 09-189,

adopted February 16, 2011, and released February 18, 2011. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. The complete text of this decision also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, (800) 378-3160, or via the company's Web site, <http://www.bcpweb.com>. This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden “for small business concerns with fewer than 25 employees,” pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4). The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* U.S.C. 801(a)(1)(A).

### List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

### PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336.

#### § 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Hawaii, is amended by adding Kualapuu, Channel 296C2.

Federal Communications Commission.

**Nazifa Sawez,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 2011-5091 Filed 3-4-11; 8:45 am]

BILLING CODE 6712-01-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 223

[Docket No. 101207606-1138-02]

RIN 0648-XA082

#### Listing Endangered and Threatened Species: Correction To Codify in the Code of Federal Regulations Application of Take Prohibitions to 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 a correcting amendment to the Code of Federal Regulations to clarify that take prohibitions under section 4(d) of the Endangered Species Act of 1973 (ESA) apply to the Upper Columbia River steelhead distinct population segment (DPS).

**DATES:** Effective March 7, 2011.

**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 and Correcting Amendment

We first listed the Upper Columbia River steelhead DPS under the ESA in 1997 as an endangered species (62 FR 43937; August 18, 1997). In January 2006, we conducted a status review and downgraded the DPS's status to threatened (71 FR 834; January 5, 2006). We published proposed and final rules applying ESA section 4(d) protections to the DPS on June 14, 2004 and February 1, 2006, respectively (69 FR 33102; 71 FR 5178). In 2007, a Federal district court set aside the downgraded listing; however, in 2009, the Ninth Circuit Court of Appeals reversed the district court's decision, thereby reinstating the January 2006 threatened listing and February 2006 protective regulations. On August 24, 2009, we published a **Federal Register** document summarizing the results of the litigation and the ESA status reviews and clarifying that the January 2006 threatened listing and February 2006 protective regulations remain in effect for the DPS (74 FR 42605).

In our August 2009 **Federal Register** notice, we explained that, due to a previous clerical error, the Upper Columbia River steelhead DPS had been inadvertently dropped from the enumeration of threatened species at 50 CFR 223.102(c). The August 2009 notice included a correcting amendment to reinstate the Upper Columbia River steelhead DPS to our list of threatened species at 50 CFR 223.102(c)(25). That correcting amendment, however, failed to update the cross-references at 50 CFR 223.203, which identifies the threatened anadromous fish subject to protections under ESA section 4(d). This correcting amendment remedies that oversight.

#### Classification

The Assistant Administrator 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. NMFS fully intended the Upper Columbia River steelhead DPS to be subject to the ESA section 4(d) protections and expressly stated this intent in the February 2006 final rule. NMFS also previously provided public notice in the **Federal Register** and considered public comments on the 2006 final rule. However, due to a clerical error, the conforming change is not currently reflected in the regulations. In order to avoid regulatory confusion and ensure continuous protections and enforcement capability for the Upper Columbia River steelhead DPS, the Assistant Administrator waives the requirement for prior notice and opportunity for public comment.

For the same reasons above, the Assistant Administrator 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 223

Endangered and threatened species, Exports, Imports, Transportation.

Dated: March 1, 2011.

**Samuel D. Rauch III,**

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

For the reasons set forth in the preamble, 50 CFR part 223 is corrected by making the following correcting amendment:

#### PART 223—THREATENED MARINE AND ANADROMOUS SPECIES

■ 1. The authority citation for part 223 continues to read as follows:

**Authority:** 16 U.S.C. 1531–1543.

■ 2. In § 223.203, paragraphs (a) and (b) are revised to read as follows:

##### § 223.203 Anadromous fish.

\* \* \* \* \*

(a) *Prohibitions.* The prohibitions of section 9(a)(1) of the ESA (16 U.S.C. 1538(a)(1)) relating to endangered species apply to fish with an intact adipose fin that are part of the threatened species of salmonids listed in § 223.102(c)(3) through (c)(25).

(b) *Limits on the prohibitions.* The limits to the prohibitions of paragraph (a) of this section relating to threatened species of salmonids listed in § 223.102(c)(3) through (c)(25) are described in the following paragraphs (b)(1) through (b)(13):

\* \* \* \* \*

[FR Doc. 2011–5109 Filed 3–4–11; 8:45 am]

**BILLING CODE 3510–22–P**

#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 101126521–0640–02]

**RIN 0648–XA260**

#### Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area

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

**ACTION:** Temporary rule; reallocation.

**SUMMARY:** NMFS is reallocating the projected unused amount of Pacific cod from vessels using jig gear to catcher vessels less than 60 feet (18.3 meters)

length overall using hook-and-line or pot gear in the Bering Sea and Aleutian Islands management area. This action is necessary to allow the A season apportionment of the 2011 total allowable catch of Pacific cod to be harvested.

**DATES:** Effective March 1, 2011, through 2400 hrs, Alaska local time (A.l.t.), December 31, 2011.

**FOR FURTHER INFORMATION CONTACT:** Obren Davis, 907–586–7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The A season apportionment of the 2011 Pacific cod total allowable catch (TAC) specified for vessels using jig gear in the Bering Sea and Aleutian Islands management area (BSAI) is 1,710 metric tons (mt) for the period 1200 hrs, A.l.t., January 1, 2011, through 1200 hrs, A.l.t., April 30, 2011, as established by the final 2011 and 2012 harvest specifications for groundfish in the BSAI (76 FR 11139, March 1, 2011).

The Administrator, Alaska Region, NMFS, has determined that jig vessels will not be able to harvest 1,500 mt of the A season apportionment of the 2011 Pacific cod TAC allocated to those vessels under § 679.20(a)(7)(ii)(A)(1). Therefore, in accordance with § 679.20(a)(7)(iii)(A), NMFS apportions 1,500 mt of Pacific cod from the A season jig gear apportionment to catcher vessels less than 60 feet (18.3 meters (m)) length overall (LOA) using hook-and-line or pot gear.

The harvest specifications for Pacific cod included in the final 2011 harvest specifications for groundfish in the BSAI (76 FR 11139, March 1, 2011) are revised as follows: 810 mt to the A season apportionment for vessels using jig gear and 5,555 mt to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear.

#### Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment