

Dated: April 4, 2003.  
**Tommy G. Thompson,**  
*Secretary.*  
 [FR Doc. 03-8736 Filed 4-8-03; 12:42 pm]  
 BILLING CODE 4160-17-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 74

[ET Docket No. 01-75; FCC 02-298]

#### Broadcast Auxiliary Service Rules

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; correction.

**SUMMARY:** Federal Communications Commission published in the **Federal Register** of March 17, 2003, a document amending rules for Broadcast Auxiliary Services to introduce new technologies and conforming rules for Broadcast Auxiliary Services, Cable Television Relay Service, and Fixed Microwave Services. Inadvertently, the amendatory instruction for § 74.602 specified removing and revising paragraph (a)(2). This document revises the amendatory instruction to specify removing and reserving paragraph (a)(2).

**DATES:** Effective April 16, 2003.

**FOR FURTHER INFORMATION CONTACT:** Ted Ryder, Office of Engineering and Technology, (202) 418-2803.

**SUPPLEMENTARY INFORMATION:** The FCC published a document in the **Federal Register** of March 17, 2003, (68 FR 12743) inadvertently specifying, in the amendatory instruction for § 74.602, removing and revising paragraph (a)(2). This correction revises the amendatory language to specify removing and reserving paragraph (a)(2).

In rule FR Doc. 03-4176 published on March 17, 2003 (68 FR 12743) make the following correction. On page 12768, in the second column, revise the amendatory instruction for § 74.602 to read as follows:

#### PART 74—[CORRECTED]

##### § 74.602 [Corrected]

■ Section 74.602 is amended by revising paragraphs (a) introductory text, the channel boundaries for channel designation B03 in the table of paragraph (a), footnote 2 of the table of paragraph (a), paragraphs (d), (f), (h), and (i) introductory text, and by removing and reserving paragraph (a)(2) to read as follows:

Federal Communications Commission.  
**Marlene H. Dortch,**  
*Secretary.*  
 [FR Doc. 03-8578 Filed 4-9-03; 8:45 am]  
 BILLING CODE 6712-01-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 17, 222 and 226

[Docket No. 030318064-3064-01; I.D. 012903C]

RIN 0648-AQ74

#### Endangered Fish and Wildlife; Notice of Technical Revision to Right Whale Nomenclature and Taxonomy Under the U.S. Endangered Species Act

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

**ACTION:** Final rule.

**SUMMARY:** NMFS is issuing a final rule concerning the nomenclature and taxonomy of the North Atlantic right whale, North Pacific right whale, and the southern right whale. The first change updates the formerly-used genus *Balaena* to the genus *Eubalaena* to conform to the taxonomy currently accepted by the scientific community and supported by the scientific literature. The second change reflects the genetic distinctiveness now recognized between Pacific and Atlantic right whale populations in the northern hemisphere. Due to recent genetic findings, NMFS is changing the species name of the northern right whale as follows: the North Atlantic right whale, *Eubalaena glacialis*, and the North Pacific right whale, *Eubalaena japonica*. These technical changes will not change the listing status of these species under the Endangered Species Act (ESA)(all three remain "endangered").

**DATES:** Effective on May 12, 2003.

**ADDRESSES:** Supporting documentation is available for public inspection, by request from NMFS, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3226.

**FOR FURTHER INFORMATION CONTACT:** Aleria Jensen or Gregory Silber at (301) 713-2322.

**SUPPLEMENTARY INFORMATION:** The right whale was originally described as *Eubalaena glacialis* (Muller, 1776). However, the technical literature on the nomenclature has not been clear over

the course of the last three decades. The species was initially listed as *Eubalaena glacialis* by the U.S. Fish and Wildlife Service in the 1973 Edition of Threatened Wildlife of the United States (USFWS, 1973). Subsequently, however, some authorities have put right and bowhead whales in the same genus, *Balaena* (Rice, 1977). In addition, the current List of Endangered and Threatened Wildlife lists the right whale as *Balaena glacialis* (incl. *australis*) (50 CFR 17.11). Despite these differences in listing, the genus *Eubalaena* has been most widely recognized and commonly used in the scientific community as the genus associated with all right whale species. Virtually all related scientific literature and popular literature on marine mammals (see, for example, Cummings, 1985; Hall and Kelson, 1959; Jefferson *et al.*, 1993; Klinowska, 1991) historically use the genus *Eubalaena* to identify right whales as originally named by Muller in 1776.

*Eubalaena* is also the name accepted by both the International Whaling Commission (IWC) and NMFS. The IWC 2001 report on the world-wide status of right whales uses the genus *Eubalaena* (Best *et al.*, 2001). NMFS has used this nomenclature in its Stock Assessment Reports, the Final Recovery Plan for the Northern Right Whale (NMFS, 1991), and other technical documents dating back to at least 1991. Therefore, this nomenclatorial change would make the List consistent with the generally accepted use by the scientific community, IWC reports, and NMFS technical documents for over a decade. Thus, to recognize the currently accepted genus for right whale species worldwide, the first technical revision in this rule is to correct right whale nomenclature on the list from genus *Balaena* to genus *Eubalaena*.

The second change reflects new evidence from recent genetic studies regarding the taxonomic classification of right whales. Historically, right whales were classified as two distinct species, *Eubalaena glacialis* in the northern hemisphere (Pacific and Atlantic Ocean basins) and *Eubalaena australis* in the southern hemisphere, based on a morphological difference in the orbital region of the skull (Muller, 1954; Rosenbaum *et al.*, 2000). Other interpretations had given North Pacific right whales full species status as *Eubalaena japonica* (Lacepede 1818) or treated the population as a subspecies of *Eubalaena glacialis*. Prior to the current technical revision, North Pacific right whales have been most widely recognized as an intraspecific population of northern right whales (Rice, 1998). The taxonomic structure of