

community's first local aural transmission service, and modification of Station WSNJ-FM's authorization to reflect the changes. This petition was originally filed as an amended proposal in MB Docket 02-26 which was terminated. Channel 300A can be allotted at a site 6.1 kilometers (3.8 miles) northeast of Pennsauken at coordinates 40-00-12 NL and 75-01-19 WL.

**DATES:** Comments must be filed on or before, February 10, 2003, and reply comments on or before February 25, 2003.

**ADDRESSES:** Secretary, Federal Communications Commission, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Victoria M. McCauley, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 02-382, adopted December 13, 2002, and released December 16, 2002. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 Twelfth Street, SW, Washington, DC. This document may also be purchased from the Commission's duplicating contractors, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, telephone 202-863-2893, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR § 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR §§ 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 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 and 336.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under New Jersey, is amended by adding Pennsauken, Channel 300A and removing Bridgeton, Channel 299B.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 03-167 Filed 1-3-03; 8:45 am]

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#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[DA 02-3455; MB Docket No. 02-26; RM-10362]

#### Radio Broadcasting Services; Bridgeton and Elmer, NJ

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule, dismissal.

**SUMMARY:** In this document, the Commission dismisses the petition for rulemaking filed by Cohanzick Broadcasting Corporation requesting the reallocation of Channel 299B from Bridgeton, New Jersey, to Elmer, New Jersey. Petitioner, by filing amended proposal requesting the substitution of Channel 300A for 299B at Bridgeton and reallocation of Channel 300A from Bridgeton to Pennsauken, New Jersey, has abandoned interest in original proposal.

**FOR FURTHER INFORMATION CONTACT:** Victoria M. McCauley, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MB Docket No. 02-26, adopted December 4, 2002, and released December 6, 2002. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW, Washington, DC. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

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#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 021223329-2329-01; I.D. 121302A]

RIN 0648-AQ26

#### Fisheries of the Northeastern United States; Atlantic Bluefish Fishery

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

**ACTION:** Proposed 2003 specifications for the Atlantic bluefish fishery; request for comments.

**SUMMARY:** NMFS proposes 2003 specifications for the Atlantic bluefish fishery, including total allowable landings (TAL), state-by-state commercial quotas, and recreational harvest limits and possession limits for Atlantic bluefish off the East Coast of the United States. The intent of the specifications is to conserve and manage the bluefish resource and provide for sustainable fisheries.

**DATES:** Public comments must be received no later than 5 p.m., Eastern Standard Time, on January 21, 2003.

**ADDRESSES:** Copies of supporting documents, including the Environmental Assessment (EA), Initial Regulatory Flexibility Analysis (IRFA), and the Essential Fish Habitat Assessment (EFHA) are available from: Daniel Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19904-6790. The EA, IRFA, and EFHA are accessible via the Internet at <http://www.nero.noaa.gov>.

Comments on the proposed specifications should be sent to: Patricia A. Kurkul, Regional Administrator, Northeast Regional Office, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298. Please mark the envelope, "Comments—2003 Bluefish Specifications." Comments also may be sent via facsimile (fax) to 978-281-9135. Comments will not be accepted if submitted via e-mail or Internet.

**FOR FURTHER INFORMATION CONTACT:** Paul Perra, Fishery Policy Analyst, (978) 281-9153, e-mail at [Paul.Perra@noaa.gov](mailto:Paul.Perra@noaa.gov), fax at (978) 281-9135.

**SUPPLEMENTARY INFORMATION:**

Regulations implementing the Atlantic Bluefish Fishery Management Plan (FMP) prepared by the Mid-Atlantic Fishery Management Council (Council) appear at 50 CFR part 648, subparts A and J. Regulations requiring annual specifications are found at § 648.160. The FMP requires that the Council recommend, on an annual basis, a TAL, which is comprised of a commercial quota and a recreational harvest limit.

The FMP also requires that: (1) The TAL for any given year be set based on the fishing mortality rate (F) resulting from the stock rebuilding schedule contained in the FMP, or the estimated F in the most recent fishing year, whichever is lower; and (2) a total of 17 percent of the TAL be allocated to the commercial fishery, as a quota, with the remaining 83 percent allocated as a recreational harvest limit, with the stipulation that, if 17 percent of the TAL is less than 10.50 million lb (4.8 million kg) and the recreational fishery is not projected to land its harvest limit for the upcoming year, the commercial fishery may be allocated up to 10.50 million lb (4.8 million kg) as its quota, provided that the combination of the projected recreational landings and the commercial quota does not exceed TAL.

The Council's recommendations must include supporting documentation, as appropriate, concerning the environmental, economic, and social impacts of the recommendations. NMFS is responsible for reviewing these recommendations to assure they achieve the FMP objectives, and may modify them if they do not. NMFS then publishes proposed specifications in the **Federal Register**. After considering public comment, NMFS will publish final specifications in the **Federal Register**.

**Proposed 2003 Specifications**

*Proposed TAL*

On August 9, 2002, the Council adopted specifications for the 2003 Atlantic bluefish fishery. NMFS has reviewed the Council's recommendation and has found it complies with the FMP objectives. Therefore, NMFS is proposing to implement the Council's recommended specifications.

For the 2003 fishery, the stock rebuilding program in the FMP would restrict F to 0.41. However, the 2001 fishery (the most recent fishing year for which F can be calculated) produced an F of only 0.246. So, in accordance with the FMP, the TAL proposed for 2003 was set to achieve  $F=0.246$ . The resulting TAC recommended by the Council and proposed by NMFS is 39.5 million lb (17.9 million kg). The TAL is calculated by deducting discards, estimated at 2.2 million lb (0.99 million kg) for 2003, from the TAC. Therefore, the proposed TAL for 2003 is 37.293 million lb (16.916 million kg).

*Proposed Commercial Quota and Recreational Harvest Limit*

If the TAL for the 2003 fishery were allocated based on the percentages specified in the FMP, the commercial quota would be 6.339 million lb (2.875 million kg), with a recreational harvest limit of 30.953 million lb (10.500 million kg). However, recreational landings from the last several years were much lower than the recreational allocation for 2003, ranging between 8.30 and 15.5 million lb (3.74 and 7.05 million kg). Since the recreational fishery is not projected to land its 30.953 million-lb (12.153 million-kg) harvest limit in 2003, this allows the specification of a commercial quota of up to 10.5 million lb (4.76 million kg). NMFS proposes to transfer 4.161 million lb (1.887 million kg) from the initial 2003 recreational allocation of 30.953 million lb (12.153 million kg), resulting in 26.793 million lb (12.153 million kg) for the 2003 recommended recreational harvest limit and a

proposed commercial quota of 10.5 million lb (4.744 million kg). The proposed 2003 commercial quota would be the same amount as was allocated in 2002 and implemented by NMFS and the states under the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for Atlantic Bluefish. A recreational possession limit of 15 fish/person (same as in 2002) is proposed, and also, 141,900-lb (64,365-kg) research set-aside (RSA) is proposed. Some or all of the RSA amount will be allocated if research proposals to utilize it are approved for award. A Request for Proposals was published to solicit proposals for 2003, based on research priorities identified by the Council (67 FR 13602, March 25, 2002). The deadline for submission was May 13, 2002. One research project that would utilize bluefish RSA has been conditionally approved by NMFS, and is under final review by the NOAA Grants Office. The Council and NMFS have recommended an RSA allocation of 141,900 lb (64,365 kg), for that project.

If all of the bluefish RSA is allocated, the commercial quota would be 10.460 million lb (4.745 million kg) and the recreational harvest limit would be 26.691 million lb (12.107 million kg). The RSA, the commercial quota, and the recreational harvest limit will be adjusted in the final rule establishing the annual specifications for the bluefish fishery, if necessary, to reflect RSA allocations to projects forwarded to the NOAA Grants Office for award. If the awards are not made for any reason, NMFS will publish notification in the **Federal Register** to restore the unused set-aside amount to the annual commercial and recreational allocations.

*Proposed State Commercial Allocations*

Proposed state commercial allocations for the recommended 2003 commercial quotas are shown in the table below, based on the percentages specified in the FMP less the proposed RSA allocation.

State	% of quota	2003 Commercial Quota (lb)	2003 Commercial Quota (kg)	2003 Commercial Quota (lb)	2003 Commercial Quota (kg)
				With Research Set-Aside	With Research Set-Aside
ME	0.6685	70,193	31,839	6,992	31,718
NH	0.4145	43,523	19,741	43,357	19,667
MA	6.7167	705,254	319,898	702,570	318,684
RI	6.8081	714,851	324,251	712,131	323,021
CT	1.2663	132,962	60,310	132,456	60,082
NY	10.3851	1,090,436	494,613	1,086,286	492,736
NJ	14.8162	1,555,701	705,654	1,549,782	702,977
DE	1.8782	197,211	89,453	196,461	89,114
MD	3.0018	315,189	142,967	313,990	142,425

State	% of quota	2003 Commercial Quota (lb)	2003 Commercial Quota (kg)	2003 Commercial Quota (lb)	2003 Commercial Quota (kg)
				With Research Set-Aside	With Research Set-Aside
VA	11.8795	1,247,348	565,787	1,242,601	563,640
NC	32.0608	3,366,384	1,526,966	3,353,575	1,521,172
SC	0.0352	3,696	1,676	3,682	1,670
GA	0.0095	998	452	994	451
FL	10.0597	1,056,269	479,115	1,052,249	477,297
Total	100.0000	10,500,000	4,762,720	10,460,058	4,744,652

### Classification

This action is authorized by 50 CFR part 648 and has been determined to be not significant for purposes of Executive Order 12866. The Council prepared an Initial Regulatory Flexibility Analysis (IRFA) that describes the impact this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, and the legal basis for the action are provided in the preamble for the proposed rule, and in the **SUMMARY** section of the preamble, and in the IRFA. A summary of the IRFA follows.

An active participant in the commercial sector was defined as being any vessel that reported having landed one or more pounds of bluefish to NMFS-permitted dealers during calendar year 2001. All vessels are considered to be small entities. Of the active vessels in 2001, 846 landed bluefish from Maine to North Carolina. The dealer data do not cover vessel activity in the South Atlantic. State trip ticket report data indicate that 1,092 vessels landed bluefish in North Carolina. Bluefish landings in South Carolina and Georgia represented less than 1/10 of 1 percent of total landings. Therefore, it was assumed that no vessels landed bluefish from those states. In addition, 214 vessels landed bluefish to dealers on Florida's east coast in 2001. In recent years, approximately 2,063 party/charter vessels caught bluefish.

The Council analyzed three TAL alternatives. The preferred alternative examined the impacts on the industry that would result from a TAL of 37.293 million lb (16.916 million kg), allocated to the commercial and recreational sectors (10.460 million lb (4.74 million kg) commercial; 26.691 million lb (12.107 million kg) recreational), and an RSA of 141,900 million lb (64,356 kg). Alternative 2 considered a TAL of 37.293 million lb (16.916 million kg), allocated to the commercial and recreational sectors (6.315 million lb (2.864 million kg) commercial; 30.835 million lb (13.986 million kg), recreational), and an RSA of 141,900 lb

(64,365 kg). Alternative 3, provides for a lower commercial quota than Alternative 1, considers a TAL of 37.293 million lb (16.916 million kg) 9.546 million lb (4.329 million kg) commercial; 27.604 million lb (12.521 million kg) recreational), and an RSA of 141,900 lb (64,365 kg).

On a coastwide basis, the preferred alternative would allow for less than a 1-percent decrease in total allowable commercial landings for bluefish in 2003 versus the 2002 commercial quota, due to the amount specified for the RSA. The 2003 recreational harvest limit would be 63 percent higher than the estimated recreational landings in 2002. Under this alternative, no vessels would realize significant revenue reductions. According to dealer data, 650 federally permitted commercial vessels would be expected to incur revenue losses of 5 percent or less, and 193 commercial vessels would incur revenue gains. The affected entities would be mostly smaller vessels that land bluefish in Massachusetts, New Jersey, New York and North Carolina. The revenue increase is primarily due to the fact that the New York quota was adjusted downward in 2002 due to overages in 2001. Thus, that state shows a positive proportional change in quota from 2002 to 2003 (see section 5.3 of the RIR/IRFA). In addition, economic analysis of South Atlantic Trip Ticket Report data indicated that, on average, reduction in revenues due to the change in quota levels from 2002 to 2003 are expected to have small reductions in revenue for fishermen that land bluefish in North Carolina (1.44 percent) and minimal for fishermen that land bluefish in Florida (0.07 percent).

Alternative 2 would result in a 40-percent decrease in the total allowable commercial landings for bluefish in 2003 versus 2002. The 2003 recreational harvest limit would be 88 percent higher than the estimated recreational landings in 2002. Under this scenario, according to Northeast dealer data, a total of 103 vessels would incur revenue losses from 5 to 39 percent, and 740 vessels would incur revenue losses of

less than 5 percent of their total ex-vessel revenue. Also, evaluation of South Atlantic Trip Ticket Reports indicate an average of 6.1 and 0.03-percent reductions in revenue for fishermen that land bluefish in North Carolina and Florida, respectively.

Alternative 3 would result in a 9-percent decrease in the total allowable commercial landings for bluefish in 2003 versus 2002. The 2003 recreational harvest limit would be 69 percent higher than the estimated recreational landings in 2002. Under this scenario, based on Northeast dealer data, a total of 28 vessels would incur revenue losses from 5 to 10 percent, 626 commercial vessels would incur revenue losses of less than 5 percent of their total ex-vessel revenue, and 189 vessels would incur an increase in revenue. The revenue increase is primarily due to the fact that the New York quota was adjusted downward in 2002 due to overages in 2001. Thus, that state shows a positive proportional change in quota from 2002 to 2003 (see section 5.3 of the RIR/IRFA). Also, evaluation of South Atlantic Trip Ticket Reports indicate reduction in revenues of 1.44 and 0.07-percent for fishermen that land bluefish in North Carolina and Florida, respectively.

The Council further analyzed the impacts on revenues of the proposed RSA amount for all three alternatives. The social and economic impacts of this proposed RSA are minimal. Assuming the full RSA is allocated for bluefish, the set-aside amount could be worth as much as \$45,480 dockside, based on a 2001 price of \$0.32 per pound. Assuming an equal reduction among all 834 active dealer reported vessels, this could mean a reduction of about \$55 per individual vessel. Changes in the recreational harvest limit would be insignificant (less than 1 percent decrease), if 2 percent of the TAL is used for research. It is unlikely that there would be negative impacts. A copy of this analysis is available from the Council (see **ADDRESSES**).

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

Dated: December 27, 2002.

**Rebecca Lent,**

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

[FR Doc. 03-179 Filed 1-3-03; 8:45 am]

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