

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[DA 03-191; MM Docket No. 01-21; RM-10050]

**Radio Broadcasting Services; Genoa, CO****AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Genoa Broadcasting, allots Channel 288C3 at Genoa, Colorado, as the community's first local aural transmission service. See 66 FR 10659, February 16, 2001. Channel 288C3 can be allotted to Genoa in compliance with the Commission's minimum distance separation requirements with a site restriction of 21.3 kilometers (13.3 miles) northeast to avoid a short-spacing to the licensed site of Station KVAZ(FM), Channel 289C1, Lamar, Colorado. The coordinates for Channel at Genoa are 39-23-06 North Latitude and 103-17-38 West Longitude.

**DATES:** Effective March 24, 2003.**ADDRESSES:** Federal Communications Commission, Washington, DC 20554.**FOR FURTHER INFORMATION CONTACT:** Sharon P. McDonald, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 01-21, adopted February 5, 2003, and released February 7, 2003. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20054.

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.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

**PART 73—RADIO BROADCAST SERVICES**

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

**Authority:** 47 U.S.C. 54, 303, 334 and 336.

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Colorado, is amended by adding Genoa, Channel 288C3.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 03-4367 Filed 2-24-03; 8:45 am]

**BILLING CODE 6712-01-P****DEPARTMENT OF TRANSPORTATION****Surface Transportation Board****49 CFR Part 1011**

[STB Ex Parte No. 642]

**Revision of Delegation of Authority Regulations****AGENCY:** Surface Transportation Board, DOT.**ACTION:** Final rules.

**SUMMARY:** The Surface Transportation Board (Board) is revising its delegations of authority to authorize the Chairman to take necessary actions in emergency situations when the Chairman is the only Board member reasonably available, and, if no Board Member is available, delegates authority to take such actions to the Director of the Board's Office of Compliance and Enforcement (OCE).

**EFFECTIVE DATE:** These rules are effective on February 14, 2003.

**FOR FURTHER INFORMATION CONTACT:**

Melvin F. Clemens, Jr., (202) 565-1573. [Federal Information Relay Service (FIRS) for the hearing impaired: 1-800-877-8339.]

**SUPPLEMENTARY INFORMATION:** The Board is revising its delegations of authority at 49 CFR 1011.4 to authorize the Chairman to take necessary actions in emergency situations when the Chairman is the only Board member reasonably available. The delegations of authority, which were most recently revised in *Revision of Delegation of Authority Regulations*, STB Ex Parte No.

588 (STB served Sept. 25, 2002), set out the organization of the Board and procedures in processing cases, certain litigation, and informal opinions. Among other things, they authorize the Chairman, Vice Chairman, and designated staff to perform certain functions that would otherwise be performed by the entire Board.

The Board has broad economic regulatory responsibility over the railroad industry. Railroads play a vital role in the Nation's security and economic health. But the operations of rail carriers could be threatened or disrupted by terrorist activities or other public health or safety emergencies. Therefore, it is crucial that the Board develop procedures to ensure that the agency will be able to take necessary actions, within the scope of its authority, to address problems in the railroad industry in the event of emergencies.

Among the statutory responsibilities vested with the Board is the ability to direct preference or priority to certain traffic during time of war or threatened war (49 U.S.C. 11124) and, more generally, to direct the handling, routing, and movement of rail traffic in emergency situations (49 U.S.C. 11123). In the event of a terrorist attack or other emergency, however, it is possible that only one agency member would be available to act on a matter at any given time. To address this contingency, the Board is amending its delegations of authority by adding two new provisions. Under the new regulations, the Board is delegating to the Chairman the authority to take necessary actions if the other members are unavailable in the event of an emergency. Pursuant to the existing regulation at 49 CFR 1011.3(a)(3), that authority passes to the Vice Chairman if the Chairman is unavailable, and to the remaining Member if both the Chairman and the Vice Chairman are unavailable. The Board is also revising its delegations of authority at 49 CFR 1011.7, so that the Director of OCE would have the authority to issue orders under 49 U.S.C. 11123 and 11124 if no Board Member is available.

Because these changes relate primarily to rules of agency organization, procedure, or practice, and because advance notice and opportunity for public comment on the matter would be impracticable given the circumstances prevailing today, we find good cause to dispense with such notice and comment. See 5 U.S.C. 553(b)(B). Moreover, we find good cause for making these rules effective on less than 30 days' notice under 5 U.S.C. 553(d), so that these changes will become effective on February 14, 2003.

Copies of the Board's decision may be purchased from Da-2-Da Legal Copy Service by calling 202-293-7776

(assistance for the hearing impaired is available through FIRS at 1-800-877-8339) or visiting Suite 405, 1925 K Street, NW., Washington, DC 20006.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

### Regulatory Flexibility Act Certification

In accordance with Board procedures adopted in *Implementation of the Regulatory Flexibility Act*, STB Administrative Matter No. 3, STB Issuance No. 52 (STB served Nov. 8, 2002), the Board certifies that the amended rule adopted in this case will not have a significant economic impact on a substantial number of small entities. The amended delegations of authority relate primarily to rules of agency organization, procedure, or practice, and are designed simply to ensure continuity in carrying out necessary functions in the event of an emergency.

### List of Subjects in 49 CFR Part 1011

Administrative practice and procedure, Authority delegations (Government agencies), Organization and functions (Government agencies).

Decided: February 14, 2003.

By the Board, Chairman Nober, Vice Chairman Burkes, and Commissioner Morgan.

**Vernon A. Williams,**  
*Secretary.*

For the reasons set forth in the preamble, the Surface Transportation Board amends part 1011 of title 49, chapter X, of the Code of Federal Regulations as follows:

### PART 1011—BOARD ORGANIZATION; DELEGATIONS OF AUTHORITY

1. The authority citation for part 1011 is revised to read as follows:

**Authority:** 5 U.S.C. 553; 31 U.S.C. 9701; 49 U.S.C. 701, 721, 11123, 11124, 11144, 14122, and 15722.

2. Amend § 1011.4 by adding a new paragraph (a)(9) to read as follows:

#### § 1011.4 Delegations to individual Board Members.

(a) \* \* \*

(9) Authority to act alone to take necessary actions in emergency situations when the Chairman is the

only Board member reasonably available.

\* \* \* \* \*

3. Amend § 1011.7 by adding a new paragraph (c)(5) to read as follows:

#### § 1011.7 Delegations of authority by the Board to specific offices of the Board.

\* \* \* \* \*

(c) \* \* \*

(5) Issue orders by the Director in an emergency under 49 U.S.C. 11123 and 11124 if no Board Member is reasonably available.

[FR Doc. 03-4300 Filed 2-24-03; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 021212307-2307-01; I.D. 021903A]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock sole/Flathead sole/"Other flatfish" Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area

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

**ACTION:** Closure.

**SUMMARY:** NMFS is closing directed fishing for species in the rock sole/flathead sole/"other flatfish" fishery category by vessels using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the interim 2003 halibut bycatch allowance specified for the trawl rock sole/flathead sole/"other flatfish" fishery category in the BSAI.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), February 18, 2003, until superseded by the notice of Final 2003 Harvest Specifications of Groundfish for the BSAI, which will be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Mary Furuness, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for the Groundfish Fishery of the

Bering Sea and Aleutian Islands 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 CFR part 679.

The interim 2003 halibut bycatch allowance specified for the trawl rock sole/flathead sole/"other flatfish" fishery category in the BSAI is 195 metric tons as established by the interim 2003 harvest specifications for Groundfish of the BSAI (67 FR 78739, December 26, 2002).

In accordance with § 679.21(e)(7)(ii)(B), the Administrator, Alaska Region, NMFS, has determined that the amount of the interim 2003 halibut bycatch allowance specified for the trawl rock sole/flathead sole/"other flatfish" fishery category in the BSAI will be caught. Consequently, NMFS is closing directed fishing for species in the rock sole/flathead sole/"other flatfish" fishery category by vessels using trawl gear in the BSAI.

#### 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 pursuant to the authority set forth at 5 U.S.C. 553(b)(3)(B) as such requirement is contrary to the public interest. This requirement is contrary to the public interest as it would delay the closure of the fishery, lead to exceeding the interim 2003 halibut bycatch allowance, and therefore reduce the public's ability to use and enjoy the fishery resource.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.21 and is exempt from review under Executive Order 12866.

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

Dated: February 19, 2003.

**Richard W. Surdi,**  
*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 03-4330 Filed 2-19-03; 4:34 pm]

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