

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 03-3869; MB Docket No. 03-244, RM-10825]

Radio Broadcasting Services; New Market, AR and Tullahoma, TN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document sets forth a proposal to amend the FM Table of Allotments, Section 73.202(b) of the Commission's rules, 47 CFR 73.202(b). The Commission requests comment on a petition filed by Tennessee Valley Radio, Inc., licensee of Station WUSX(FM), Channel 227C1, Tullahoma, Tennessee. Petitioner proposes to delete Channel 227C1 at Tullahoma, to allot Channel 227C2 at New Market, Alabama, and to modify the license of Station WUSX(FM) accordingly. Channel 227C2 can be allotted to New Market in compliance with the Commission's minimum distance separation requirements with a site restriction of 5.2 km (3.2 miles) northeast of New Market. The coordinates for Channel 227C2 at New Market are 34-51-48 North Latitude and 86-25-40 West Longitude. *See* Supplementary Information *infra*.
DATES: Comments must be filed on or before January 30, 2004, and reply comments on or before February 17, 2004.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the counsel for the petitioner as follows: Mark N. Lipp, J. Thomas Nolan, Vinson & Elkins, L.L.P., 1455 Pennsylvania Avenue, NW., Suite 600, Washington, DC 20004-1008.

FOR FURTHER INFORMATION CONTACT: Deborah A. Dupont, Media Bureau (202) 418-7072.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 03-244, adopted December 3, 2003 and released December 8, 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 20554, telephone (202) 863-2893.

The 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 Alabama, is amended by adding New Market, Channel 227C2.

3. Section 73.202(b), the Table of FM Allotments under Tennessee, is amended by removing Tullahoma, Channel 227C.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 03-31635 Filed 12-23-03; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 03-3873; MB Docket No. 03-6; RM-10595]

Radio Broadcasting Services; Garysburg and Roanoke Rapids, NC

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal.

SUMMARY: This document dismisses a Petition for Rulemaking filed by MainQuad Communications, Inc. proposing to reallocate Channel 272A from Roanoke Rapids, North Carolina, to Garysburg, North Carolina, as the

community's second local aural transmission service, and modify the license for Station WPTM(FM) to reflect the change of community. *See Notice of Proposed Rule Making*, 68 FR 5861 (February 5, 2003). Petition is dismissed because MainQuad Communications, Inc. failed to file comments expressing interest in pursuing the change of community.

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. 03-6, adopted December 3, 2003 and released December 8, 2003. The full text of this document is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. 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.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 03-31766 Filed 12-23-03; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[I.D. 121603A]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits (EFPs)

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

ACTION: Notification of a proposal for EFPs to conduct experimental fishing; request for comments.

SUMMARY: NMFS announces that the Assistant Regional Administrator for Sustainable Fisheries, Northeast Region, NOAA Fisheries (Assistant Regional Administrator), has determined that an application for EFPs contains all of the required information and warrants further consideration. The Assistant

Regional Administrator is considering the impacts of the activities to be authorized under the EFPs with respect to the Northeast (NE) Multispecies Fishery Management Plan (FMP). However, further review and consultation may be necessary before a final determination is made to issue EFPs. Therefore, NMFS announces that the Assistant Regional Administrator proposes to issue EFPs in response to an application submitted by the Cape Cod Commercial Hook Fisherman's Association (CCCHFA), in collaboration with Massachusetts Division of Marine Fisheries (DMF), and Research, Environmental and Management Support (REMSA). These EFPs would allow up to 17 vessels to fish for haddock using longline gear or jig gear in NE multispecies year-round Georges Bank (GB) Closed Area I (CA I) during the months of January, February, and May through September 2004. The purpose of this study is to evaluate the best spatial and temporal location for a directed haddock hook-gear fishery in GB CA I, while having minimal impact to GB cod. This information could then be used by the New England Fishery Management Council and NMFS to determine the feasibility of establishing a Special Access Program for traditional haddock hook-and-line fishery in CA I.

DATES: Comments on this action must be received at the appropriate address or fax number (see **ADDRESSES**) on or before January 8, 2004.

ADDRESSES: Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, NE Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on Haddock EFP Proposal." Comments may also be sent via fax to (978) 281-9135. Comments will not be accepted if submitted via e-mail or the Internet.

Copies of the Environmental Assessment (EA) are available from the NE Regional Office at the same address.

FOR FURTHER INFORMATION CONTACT: Heather Sagar, Fishery Management Specialist, phone: 978-281-9341, fax: 978-281-9135, e-mail: heather.sagar@noaa.gov

SUPPLEMENTARY INFORMATION:

Background

Three year-round closed areas were established in 1994 under Amendment 5 to the FMP to provide protection to concentrations of regulated NE multispecies, particularly cod, haddock, and yellowtail flounder. These closure areas, CA I, CA II, and the Nantucket Lightship Closure Area, have proven to be effective in improving the stock status of several species, including GB haddock.

In their EFP application, the applicants state that cod are less available than haddock in certain portions of CA I, and propose to support this observation with scientific data, potentially enabling the GB haddock resource to be utilized without impacting the management program that

protects GB cod. This request builds upon data collected by the same applicant under an approved EFP that began October 1, 2003, which will continue through December 31, 2003. Preliminary results from the initial study demonstrate the viability of utilizing hook-and-line gear to reduce bycatch of cod in a portion of CA I.

Proposed EFP

The proposed study would occur in a specified area within the northern portion of CA I (north of Ioran-C line 13660). The experiment would occur during the months of January, February, and May through September 2004, during which 20 1-day trips would occur monthly, for a total of 140 1-day trips for the study. Fishing would be prohibited during the months of March and April to protect spawning haddock in this area. Vessels would not be exempt from days-at-sea. Participating vessels would be prohibited from fishing in areas outside of CA I during an experimental fishing trip. This study would follow normal fishing practices. A total allowable catch (TAC) of 16 mt for GB cod and 285 mt for GB haddock (divided into seasonal TACs specified below) would be established for the experimental fishery. The experimental fishery would be closed down if either the total TAC or the seasonal TAC is exceeded. This study would be divided into three seasonal periods, with individual hard TACs established for each season as follows:

MONTH	DAYS	HADDOCK	COD
Seasonal Period I			
January February	20 20	81 mt (179,468 lb)	4.6 mt (10,076 lb)
March April	0 0	0 0	0 0
Seasonal Period II			
May June July	20 20 10	102 mt (224,355 lb)	5.7 mt (12,595 lb)
Seasonal Period III			
July August September	10 20 20	102 mt (224,335 lb)	5.7 mt (12,595 lb)

All fish landed would be subject to the minimum fish size. Although the applicant would be exempt from the haddock trip limits, they would not be exempt from the cod trip limit requirements.

REMSA scientific staff would be present on board each participating vessel, equating to 100-percent scientific data collector coverage for this experimental fishery. The EFPs would contain a provision that the Regional

Administrator has the authority to discontinue the proposed experimental fishery on at any time, e.g., the Regional Administrator would terminate the EFP should the individual season TACs, or the overall TACs of 16 mt for GB cod

and 285 mt for GB haddock, be exceeded.

A draft EA has been prepared that analyzes the impacts of the proposed experimental fishery on the human environment. This draft EA concludes that the activities proposed to be conducted under the requested EFPs are consistent with the goals and objectives of the FMP, would not be detrimental to the well-being of any stocks of fish harvested, and would have no

significant environmental impacts. The draft EA also concludes that the proposed experimental fishery would not be detrimental to Essential Fish Habitat, marine mammals, or protected species.

EFPs would be issued to up to 17 vessels exempting them from the CA I, the haddock trip limit, and the 3,600-hook-limit restrictions of the FMP.

Regulations under the Magnuson-Stevens Fishery Conservation and

Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

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

Dated: December 17, 2003.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 03-31612 Filed 12-23-03; 8:45 am]

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