

296C3 at Greenbrier, Arkansas, are 35–17–28 North Latitude and 92–19–14 West Longitude.

DATES: Effective October 25, 2004.

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. 03–247, adopted September 1, 2004, and released September 3, 2004. 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>. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the General Accounting 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.
- 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. 154, 303, 334 and 336.

§ 73.202 [Amended]

- 2. Section 73.202(b), the Table of FM Allotments under Arkansas, is amended by removing Bald Knob, Channel 296C3 and by adding Greenbrier, Channel 296C3.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 04–20902 Filed 9–15–04; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 040910259–4259–01; I.D. 091004A]

RIN 0648–AS60

Fisheries of the Exclusive Economic Zone Off Alaska; Chiniak Gully Research Area for Vessels Using Trawl Gear

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

ACTION: Final rule.

SUMMARY: NMFS is rescinding the trawl closure in the Chiniak Gully Research Area. This action is necessary to allow vessels using trawl gear to participate in directed fishing for groundfish in the Chiniak Gully Research Area after the completion of NMFS research on September 8, 2004.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), September 11, 2004, through 2400 hrs, A.l.t., December 31, 2004.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (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 Chiniak Gully Research Area was closed to vessels using trawl gear from August 1 to a date no later than September 20 under regulations at § 679.22(b)(3)(ii)(A). This closure was in support of a research project to evaluate the effect of commercial fishing activity on the prey availability of pollock to Steller sea lions.

The regulations at § 679.22(b)(3)(ii)(B) provide that the Regional Administrator, Alaska Region, NMFS, (Regional Administrator) may rescind the trawl closure prior to September 20. As of September 8, 2004, the research has been completed in the Chiniak Gully Research Area. Therefore, the Regional Administrator is rescinding the closure of the Chiniak Gully Research Area. All

other closures remain in full force and effect.

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)(B) as such a requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from immediately implementing this action in order to allow the participation of vessels using trawl gear in the Chiniak Gully Research Area. The research in the Chiniak Gully Research Area was completed as of September 8, 2004. Therefore, it is no longer necessary to keep this area closed. Allowing for prior notice and an opportunity for public comment would prevent the fisheries from realizing the economic benefits of this action. In addition, this rule is not subject to a 30–day delay in the effective date pursuant to 5 U.S.C. 553(b)(B) because it relieves a restriction. This action would reopen the Chiniak Gully Research Area to vessels using trawl gear and allow these vessels to participate in directed fishing for groundfish.

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

This action has been determined to be not significant for purposes of EO 12866.

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

Dated: September 10, 2004.

Rebecca Lent,

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

[FR Doc. 04–20808 Filed 9–10–04; 3:37 pm]

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