

Livermore, California, 37°43'29.7" N.  
 Latitude, 121°45'15.8" W. Longitude  
 Powder Springs, Georgia, 33°51'44.4" N.  
 Latitude, 84°43'25.8" W. Longitude  
 Santa Isabel, Puerto Rico, 18°00'18.9" N.  
 Latitude, 66°22'30.6" W. Longitude  
 Vero Beach, Florida, 27°36'22.1" N.  
 Latitude, 80°38'05.2" W. Longitude  
 Waipahu, Hawaii, 21°22'33.6" N.  
 Latitude, 157°59'44.1" W. Longitude

[FR Doc. 03-26319 Filed 10-16-03; 8:45 am]

BILLING CODE 6712-01-U

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 03-2980; MM Docket No. 02-76; RM-10405, RM-10499\*]

#### Radio Broadcasting Services; Belle Haven, VA; Crisfield, MD; Exmore, Nassawadox, and Poquoson, VA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** In response to a *Notice of Proposed Rule Making*, 67 FR 20485 (April 25, 2002), this *Report and Order* allots Channel 250B1 to Belle Haven, Virginia, reallots Channel 241B from Cape Charles to Exmore, Virginia; substitutes Channel 290A for 252A at Nassawadox, Virginia, and substitutes Channel 291A for Channel 291B at Exmore, Virginia, and reallots Channel 291A to Poquoson, Virginia. It also provides Belle Haven and Poquoson, Virginia, with their first local aural transmission services. This document dismisses the petition for rule making filed by Bay Broadcasting, Inc. the licensee of Station WBEY(FM), Crisfield, Maryland, to substitute Channel 250A for Channel 245A at Crisfield, Maryland. The coordinates for Channel 250B1 at Belle Haven are 37-32-49 NL and 75-49-48 WL, with a site restriction of 1.1 kilometers (0.7 miles) southwest of Belle Haven. The coordinates for Channel 290A at Nassawadox are 37-33-43 NL and 75-44-24 WL, with a site restriction of 14.3 kilometers (8.9 miles) northeast of Nassawadox. The coordinates for Channel 291A at Poquoson are 37-12-30 NL and 76-25-07 WL, with a site restriction of 8 kilometers (4.9 miles) north of Poquoson. The coordinates for Channel 241B at Exmore are 37-18-02 NL and 75-59-05 WL.

**DATES:** Effective November 13, 2003.

**FOR FURTHER INFORMATION CONTACT:** R. Barthen Gorman, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 02-76, adopted September 25, 2003, and released September 29, 2003. 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, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. The 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).

#### 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 reads 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 Virginia, is amended by adding Belle Haven, Channel 250B1; by removing Cape Charles, Channel 241B; by removing Channel 291B and by adding Channel 241B at Exmore; by adding Nassawadox, Channel 290A;<sup>1</sup> and by adding Poquoson, Channel 291A.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

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<sup>1</sup> Nassawadox and Channel 252A are not listed in the FM Table of Allotments under Virginia. Channel 252A was allotted to Nassawadox in MM Docket No. 97-189. See 63 FR 45012, August 24, 1998.

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 021212307-3037-02; I.D. 100703C]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Reallocation.

**SUMMARY:** NMFS is reallocating the projected unused amount of Pacific cod from vessels using trawl, jig, and pot gear to vessels using hook-and-line in the BSAI. These actions are necessary to allow the 2003 total allowable catch (TAC) of Pacific cod to be harvested.

**DATES:** Effective October 14, 2003, until 2400 hours, A.L.T., December 31, 2003.

**FOR FURTHER INFORMATION CONTACT:** Andrew N Smoker, 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 50 CFR part 679.

The 2003 BSAI Pacific cod TAC was established by the final 2003 harvest specifications for groundfish in the BSAI (68 FR 9907, March 3, 2003) as 191,938 metric tons (mt). Pursuant to § 679.20(a)(7)(i)(A), 3,893 mt was allocated to vessels using jig gear, 97,388 mt to vessels using hook-and-line or pot gear directed fishing allowance, and 90,211 mt to vessels using trawl gear. The share of the Pacific cod TAC allocated to trawl gear was further allocated 50 percent to catcher vessels and 50 percent to catcher/processor vessels (§ 679.20(a)(7)(i)(B)). The share of the Pacific cod TAC allocated to hook-and-line or pot gear was further allocated 80 percent to catcher/processor vessels using hook-and-line gear; 0.3 percent to catcher vessels using hook-and-line gear; 18.3 percent to vessels using pot gear; and 1.4 percent to catcher vessels less than

60 ft LOA that use either hook-and-line or pot gear (§ 679.20(a)(7)(i)).

As of September 27, 2003, the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that trawl catcher/processors will not be able to harvest 11,000 mt and trawl catcher vessels will not be able to harvest 6,000 mt of Pacific cod allocated to those vessels under 679.20(a)(7)(i)(B). Therefore, in accordance with § 679.20(a)(7)(ii), NMFS apportions 17,000 mt of Pacific cod from trawl gear to vessels using hook-and-line gear.

The Regional Administrator has determined that vessels using jig gear will not harvest 3,600 mt of their Pacific cod allocation by the end of the year. Therefore, in accordance with § 679.20(a)(7)(ii), NMFS is reallocating the unused amount of 3,600 mt of Pacific cod allocated to vessels using jig gear to vessels using hook-and-line gear.

The Regional Administrator has determined that vessels using pot gear will not be able to harvest 500 mt of their Pacific cod allocation by the end of the year. Therefore, in accordance with § 679.20(a)(7)(ii), NMFS is reallocating the unused amount of 500

mt of Pacific cod allocated to vessels using pot gear to vessels using hook-and-line gear.

In accordance with § 679.20(a)(7)(ii)(C)(1), 200 mt of the combined reallocation of unused Pacific cod from trawl, jig and pot gear is apportioned to catcher vessels using hook-and-line gear.

The harvest specifications for Pacific cod included in the harvest specifications for groundfish in the BSAI (68 FR 9907, March 3, 2003) are revised as follows: 293 mt to vessels using jig gear, 98,811 mt to catcher processor vessels using hook-and-line gear, 492 mt to catcher vessels using hook-and-line gear, 17,322 mt to vessels using pot gear, 34,105 mt to trawl catcher/processors, and 39,105 mt to trawl catcher vessels.

#### **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 requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent the Agency from responding to the most recent fisheries data in a timely fashion and would delay the reallocation of the Pacific cod TAC, thus preventing full utilization of the TAC and reducing 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 taken under 50 CFR 679.20 and is exempt from OMB review under Executive Order 12866.

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

Dated: October 10, 2003.

**Bruce C. Morehead,**

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

[FR Doc. 03-26294 Filed 10-14-03; 2:35 pm]

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