

amended by adding Quinby, Channel 237A.  
Federal Communications Commission.  
**Peter H. Doyle,**  
*Chief, Audio Division, Media Bureau.*  
[FR Doc. 04-7098 Filed 3-29-04; 8:45 am]  
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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[DA 04-611; MM Docket No. 01-33; RM-10060]

**Radio Broadcasting Services; Caro and Cass City, MI**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule, petition for reconsideration.

**SUMMARY:** This document denies a petition for reconsideration filed by Edward Czelada seeking reconsideration of the *Report and Order* in this proceeding. See 66 FR 29237 May 20, 2001. The petition for reconsideration was opposed by Edwards Communications, LC, licensee of Station WIDL(FM) Caro, Michigan.

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

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Memorandum Opinion and Order* in MM Docket No. 01-33, adopted March 10, 2004, and released March 12, 2004. The full text of this decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, 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, facsimile 202-863-2898, or via e-mail *qualexint@aol.com*. The document is not subject to the Congressional Review Act.

Federal Communications Commission.  
**John A. Karousos,**  
*Assistant Chief, Audio Division, Media Bureau.*  
[FR Doc. 04-7097 Filed 3-29-04; 8:45 am]  
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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 90**

[WT Docket No. 99-87; RM-9332; FCC 03-34]

**Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended and Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; correcting amendments.

**SUMMARY:** This document contains corrections to the final regulations, which were published July 17, 2003, (68 FR 42296). The Wireless Telecommunications Bureau published final rules in this document revising Commission rules in order to promote spectrum efficient technologies on certain frequencies. This document corrects typographical errors, as detailed below, that the Commission found in the original document.

**DATES:** Effective March 30, 2004.

**FOR FURTHER INFORMATION CONTACT:** Brian Marengo, Associate Division

Chief, Public Safety and Critical Infrastructure Division at (202) 418-0838.

**SUPPLEMENTARY INFORMATION:**

**Background**

The final regulations that are the subject of these corrections amended the Commission's rules to include a long-term schedule for the migration of Private Land Mobile Radio (PLMR) systems, using frequencies in the 150-174 MHz and 421-512 MHz bands, to narrowband technology.

**Need for Correction**

As published, the final regulations contain errors which need to be clarified. Therefore, in the FR Doc 03-18054 published in the **Federal Register** on July 17, 2003, (68 FR 42296) make the following corrections.

**List of Subjects in 47 CFR Part 90**

Communications equipment, Radio, Reporting and recordkeeping requirements.

■ Accordingly, 47 CFR part 90 is corrected by making the following correcting amendments.

**PART 90—PRIVATE LAND MOBILE RADIO SERVICES**

■ 1. The authority citation for part 90 continues to read as follows:

**Authority:** Sections 4(i), 11, 303(g), 303(r) and 332(c)(7) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7).

■ 2. In § 90.20, paragraph (c)(3) is amended by revising the entry for "42.40" to read as follows:

**§ 90.20 Public Safety Pool.**

\* \* \* \* \*  
(c) \* \* \*  
(3) \* \* \*

**PUBLIC SAFETY POOL FREQUENCY TABLE**

Frequency or band	Class of station(s)	Limitations	Coordinator
42.40	.....do	2, 3, 16	PP

Federal Communications Commission.  
**Marlene H. Dortch,**  
*Secretary.*  
 [FR Doc. 04-6947 Filed 3-29-04; 8:45 am]  
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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 622**

[Docket No. 030917233-3304-02; I.D. 082703A]

RIN 0648-AP50

**Fisheries of the Gulf of Mexico; Coastal Migratory Pelagic Resources; Stock Status Determination Criteria**

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

**ACTION:** Final rule.

**SUMMARY:** In accordance with the framework procedure for adjusting management measures of the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP), NMFS issues this final rule to incorporate into the FMP biomass-based stock status determination criteria consistent with the requirements of the Magnuson-Stevens Fisheries Conservation and Management Act (Magnuson-Stevens Act). Criteria that are incorporated include maximum sustainable yield (MSY), optimum yield (OY), minimum stock size threshold (MSST) and maximum fishing mortality

threshold (MFMT) for king and Spanish mackerel and cobia stocks under the jurisdiction of the Gulf of Mexico Fishery Management Council (Council).  
**DATES:** This final rule is effective April 29, 2004.

**FOR FURTHER INFORMATION CONTACT:** Dr. Steve Branstetter, telephone: 727-570-5796, fax: 727-570-5583, e-mail: *Steve.Branstetter@noaa.gov*.

**SUPPLEMENTARY INFORMATION:** The fisheries for coastal migratory pelagic (CMP) resources are regulated under the FMP. The FMP was prepared jointly by the Gulf of Mexico and South Atlantic Fishery Management Councils and was approved by NMFS and implemented by regulations at 50 CFR part 622.

In accordance with the FMP's framework procedure, the Council recommended, and NMFS published a proposed rule (68 FR 59151, October 14, 2003), to establish biomass-based stock status criteria for Gulf migratory groups of king and Spanish mackerel and for a Gulf migratory group of cobia (to be designated via subsequent plan amendment). The most recent scientific evidence indicates that the cobia stock is comprised of separate migratory groups in the Gulf of Mexico and Atlantic. However, the FMP identifies only a single cobia stock. The establishment of separate migratory groups of cobia will require that the FMP be amended. Therefore, implementation of the stock status criteria for a Gulf migratory group of cobia would be deferred pending the development of an amendment to the FMP.

Section 303 of the Magnuson-Stevens Act requires that the regional fishery management councils: (1) assess the

condition of managed stocks, (2) specify within their fishery management plans objective and measurable criteria for identifying when the stocks are overfished and when overfishing is occurring (referred to by NMFS as stock status determination criteria), and (3) amend their fishery management plans to include measures to rebuild overfished stocks and maintain them at healthy levels capable of producing MSY. NMFS' national standard guidelines (NSGs) direct the councils to meet these statutory requirements by incorporating into each FMP estimates of certain biomass-based parameters for each stock, including a designation of the stock biomass that will produce MSY ( $B_{MSY}$ ).

On November 17, 1999, NMFS notified the Council that it had partially approved the Council's Generic Sustainable Fisheries Act Amendment. In that notification, NMFS approved the designation and definition of an MFMT for CMP fish stocks managed under the jurisdiction of the Council, but disapproved the proposed designations of MSY, OY, and MSST because they were not biomass-based, as recommended by the NSGs. Since that time, NMFS has worked cooperatively with the Council to develop acceptable stock status criteria for the Gulf migratory groups of those CMP stocks.

Accordingly, this final rule establishes biomass-based reference points, as identified in the table below, for MSY, OY, and MSST, and amends the existing designations of MFMT for Gulf migratory group king mackerel, Gulf migratory group Spanish mackerel, and a (to be designated) Gulf migratory group of cobia.

	Gulf group king mackerel	Gulf group Spanish mackerel	Gulf group cobia <sup>1</sup>
MSY <sup>2</sup> .....	Yield at $F_{30\%SPR}$ (currently 10.7 million lb or 4.85 million kg)	Yield at $F_{30\%SPR}$ (currently 8.7 million lb or 3.95 million kg)	Yield at $F_{msy}$ (currently 1.49 million lb or 0.676 million kg)
OY .....	Yield at $F_{OY} = 0.85 * F_{msy}$ (currently 10.2 million lb or 4.63 million kg)	Yield at $F_{OY} = 0.75 * F_{MSY}$ (currently 8.3 million lb or 3.76 million kg)	Yield at $F_{OY} = 0.75 * F_{MSY}$ (currently 1.45 million lb or 0.658 million kg)
MFMT .....	$F_{30\%SPR} = F_{MSY}$	$F_{30\%SPR} = F_{MSY}$	$F_{MSY}$
MSST <sup>3</sup> .....	$(1-M) * B_{MSY}$ or 80% of $B_{MSY}$	$(1-M) * B_{MSY}$ or 70% of $B_{MSY}$	$(1-M) * B_{MSY}$ or 70% of $B_{MSY}$
Overfished .....	50% probability $F_{current} > F_{MSY}$	50% probability $F_{current} > F_{MSY}$	50% probability $F_{current} > F_{MSY}$
Overfishing .....	50% probability $B_{current} < MSST$	50% probability $B_{current} < MSST$	50% probability $B_{current} < MSST$

<sup>1</sup> Implementation deferred pending formal designation of a Gulf migratory group of cobia through an amendment to the FMP.

<sup>2</sup> F = fishing mortality rate; SPR refers to spawning potential ratio.

<sup>3</sup> M, or natural mortality, is estimated at 0.20 for king mackerel, and 0.30 for both Spanish mackerel and cobia.  $B_{current}$  represents the current estimates of stock biomass;  $B_{MSY}$  represents the estimated stock biomass required to produce MSY.

While these population parameters are part of the FMP, they will not appear in codified text. The parameters establish the bounds within which the Council and NMFS will operate in managing the stock. The parameters themselves are not of general applicability and legal effect in that they

do not bind the general public, but rather guide the Council and NMFS in establishing more specific measures, which are codified in the Code of Federal Regulations and do bind the general public.

On October 14, 2003, NMFS published the proposed rule on which

this final rule is based; comments on the proposed rule were requested through November 13, 2003 (68 FR 59151). No comments were received.