

Note to paragraph (f): These limits relate to the power flux-density that would be obtained under assumed free-space propagation conditions.

PART 101—FIXED MICROWAVE SERVICES

■ 6. The authority citation for part 101 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

■ 7. Section 101.147(a) is amended by removing the entry for “38,600–40,000 MHz” and by adding in its place the following entries and note 32 to read as follows:

§ 101.147 Frequency assignments.

(a) Frequencies in the following bands are available for assignment for fixed microwave services.

* * * * *

37,000–40,000 MHz (4)(32)
42,000–42,500 MHz

Notes

* * * * *

(32) Frequencies in this band are shared with stations in the fixed-satellite service, subject to the conditions specified in footnote 15 of § 25.202(a)(1) of this chapter, see 47 CFR 47.25.202(a)(1) n.16.

* * * * *

[FR Doc. 04–18464 Filed 8–24–04; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1002

[STB Ex Parte No. 542 (Sub-No. 4)]

Regulations Governing Fees for Services Performed in Connection With Licensing and Related Services—2002 New Fees; Corrections

AGENCY: Surface Transportation Board, Transportation.

ACTION: Correcting amendments.

SUMMARY: The Surface Transportation Board published a document in the **Federal Register** on March 29, 2004 (69 FR 16173), amending the Board’s fee regulations. The document inadvertently failed to: (1) Use correct terms of art to describe the fee item at section 1002.2(f)(56)(v); and (2) include all of the technical editing instructions needed by Federal Register staff to accurately revise sections 1002.2(f)(98), (100), and (101). This document corrects the final rules by revising these sections.

DATES: *Effective Date:* These rules are effective on August 25, 2004.

FOR FURTHER INFORMATION CONTACT:

David T. Groves, (202) 565–1551, or Anne Quinlan, (202) 565–1727.

[Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.]

SUPPLEMENTARY INFORMATION: These corrections amend the Board’s fee regulations.

List of Subjects in 49 CFR Part 1002

Administrative practice and procedure, Common carriers, Freedom of information, User fees.

■ 49 CFR part 1002 is corrected by making the following correcting amendments:

PART 1002—FEES

■ 1. The authority citation for part 1002 continues to read as follows:

Authority: 5 U.S.C. 552(a)(4)(A) and 553; 31 U.S.C. 9701 and 49 U.S.C. 721(a).

■ 2. In § 1002.2(f), sections (56), (98), (100) and (101) are revised as follows:

§ 1002.2 Filing fees.

* * * * *

(f) * * *

(56) A formal complaint alleging unlawful rates or practices of carriers:	
(i) A formal complaint filed under the coal rate guidelines (Stand-Alone Cost Methodology) alleging unlawful rates and/or practices of rail carriers under 49 U.S.C. 10704(c)(1)	\$62,100
(ii) A formal complaint involving rail maximum rates filed under the small rate case procedures	150
(iii) All other formal complaints (except competitive access complaints)	6,100
(iv) Competitive access complaints	150
(v) A request for an order compelling a rail carrier to establish a common carrier rate	200
* * * * *	
(98) Processing the paperwork related to a request for the Carload Waybill Sample to be used in a Surface Transportation Board or State proceeding that:	
(i) Does not require a Federal Register notice:	
(a) Set cost portion	100
(b) Sliding cost portion	132
(ii) Does require a Federal Register notice:	
(a) Set cost portion	300
(b) Sliding cost portion	132
* * * * *	
(100) Uniform Railroad Costing System (URCS) software and information:	
(i) Initial PC version URCS Phase III software program and manual	50
(ii) Updated URCS PC version Phase III cost file—per year	² 25
(iii) Public requests for <i>Source Codes</i> to the PC version URCS Phase III	100
(101) Carload Waybill Sample data on recordable compact disk (R-CD):	
(i) Requests for Public Use File on R-CD—per year	² 250
(ii) Waybill—Surface Transportation Board or State proceedings on R-CD—per year	² 500
(iii) User Guide for latest available Carload Waybill Sample	50
(iv) Specialized programming for Waybill requests to the Board	³ 76
* * * * *	

¹ Per party.

² Per year.

³ Per hour.

Decided: August 18, 2004.

By the Board, Vernon A. Williams,
Secretary.

Vernon A. Williams,
Secretary.

[FR Doc. 04-19449 Filed 8-24-04; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 031124287-4060-02; I.D.
081804A]

Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands

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

ACTION: Closures and openings.

SUMMARY: NMFS is prohibiting directed
fishing for Atka mackerel with gears
other than jig gear (other gears) in the
Eastern Aleutian District (Statistical
Area 541) and the Bering Sea subarea of
the Bering Sea and Aleutian Islands
management area (BSAI). This action is
necessary to prevent exceeding the 2004
total allowable catch (TAC) of Atka
mackerel in these areas. NMFS is also
announcing the opening and closure
dates of the first and second directed
fisheries within the harvest limit area
(HLA) in Statistical Areas 542 and 543.
These actions are necessary to prevent
exceeding the HLA limits established
for the Central (statistical area 542) and
Western (statistical area 543) Aleutian
Districts pursuant to the 2004 Atka
mackerel TAC.

DATES: Prohibition of directed fishing
for Atka mackerel with other gears in
the Eastern Aleutian District and the
Bering Sea subarea: Effective 1200 hrs,
Alaska local time (A.l.t.), September 1,
2004, until 2400 hrs, December 31,
2004. The first directed fisheries in the
HLA in area 542 and area 543 are open
from 1200 hrs, A.l.t., September 3, 2004,
until 1200 hrs, A.l.t., September 11,
2004. The second directed fisheries in
the HLA in area 542 and area 543 open
from 1200 hrs, A.l.t., September 13,
2004, until 1200 hrs, A.l.t., September
21, 2004.

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 50 CFR part 679.

The portion of the Atka mackerel TAC
allocated to other gears in the Eastern
Aleutian District and the Bering Sea
subarea is 10,293 metric tons (mt) as
established by the 2004 Harvest
Specifications for Groundfish (69 FR
9242, February 27, 2004). See
§ 679.20(c)(3)(iii) and 679.20(a)(8)(ii).

In accordance with § 679.20(d)(1)(i),
the Administrator, Alaska Region,
NMFS (Regional Administrator), has
determined that the TAC for Atka
mackerel allocated to other gears in the
Eastern Aleutian District and the Bering
Sea subarea will be reached. Therefore,
the Regional Administrator is
establishing a directed fishing
allowance of 3,293 mt, and is setting
aside the remaining 7,000 mt as bycatch
to support other anticipated groundfish
fisheries. In accordance with
§ 679.20(d)(1)(iii), the Regional
Administrator finds that this directed
fishing allowance has been reached.
Consequently, NMFS is prohibiting
directed fishing for Atka mackerel in the
Eastern Aleutian District and the Bering
Sea subarea of the BSAI by vessels using
other gears.

In accordance with
§ 679.20(a)(8)(iii)(C), the Regional
Administrator is opening the first
directed fisheries for Atka mackerel
within the HLA in areas 542 and 543,
48 hours after the closure of the area 541
Atka mackerel directed fishery. The
Regional Administrator has also
established the opening date for the
second HLA directed fisheries as 48
hours after the last closure of the first
HLA fisheries in either 542 or 543.
Consequently, NMFS is opening and
closing directed fishing for Atka
mackerel in the HLA of areas 542 and
543 in accordance with the periods
listed under the **DATES** section of this
notice.

In accordance with § 679.20(a)(8)(iii),
vessels using trawl gear for directed
fishing for Atka mackerel have
previously registered with NMFS to fish
in the HLA fisheries in areas 542 or 543.
NMFS has randomly assigned each
vessel to the directed fishery or fisheries
for which they have registered. NMFS
has notified each vessel owner as to
which fishery each vessel has been

assigned by NMFS (69 FR 51014,
August 17, 2004).

In accordance with
§ 679.20(a)(8)(ii)(C)(1), the HLA limit of
the TAC in areas 542 and 543 are 5,733
mt and 8,630 mt, respectively. Based on
those limits and the proportion of the
number of vessels in each fishery
compared to the total number of vessels
participating in the HLA directed
fishery for area 542 or 543, the harvest
limits for the HLA directed fishery in
areas 542 and 543 are as follows: 3,185
mt for the first directed fishery in area
542, 4,315 mt for the first directed
fishery in area 543, 2,548 mt for the
second directed fishery in area 542, and
4,315 mt for the second directed fishery
in area 543. In accordance with
§ 679.20(a)(8)(iii)(E), the Regional
Administrator has established the closure
dates of the Atka mackerel directed
fisheries in the HLA for areas 542 and
543 based on the amount of the harvest
limit and the estimated fishing capacity
of the vessels assigned to the respective
fisheries. Consequently, NMFS is
prohibiting directed fishing for Atka
mackerel in the HLA of areas 542 and
543 on the dates and times listed under
the **DATES** section of this notice.

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 NMFS from
responding to the most recent fisheries
data in a timely fashion and would
delay both the closure of the Atka
mackerel fishery by other gears in the
Eastern Aleutian District and the Bering
Sea subarea and the opening and
closures of the fisheries for the HLA
limits established for the Central (area
542) and Western (area 543) Aleutian
Districts pursuant to the 2004 Atka
mackerel TAC.

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 § 679.20
and is exempt from review under
Executive Order 12866.

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