

Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a federal mandate that may result in estimated costs to state, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. EPA has determined that the approval proposed in this document does not include such a federal mandate, as this proposed federal action would approve pre-existing requirements under state or local law, and would impose no new federal requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, will result from this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

Authority: 42 U.S.C. 7401-7671q.

Dated: October 17, 1995.

Felicia Marcus,

Regional Administrator.

[FR Doc. 95-26952 Filed 10-31-95; 8:45 am]

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40 CFR Parts 52 and 81

[MD44-1-3001b, MD44-2-3002b; FRL-5315-5]

Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; Redesignation of the Baltimore Carbon Monoxide Area to Attainment and Approval of the Area's Maintenance Plan and Emission Inventory; State of Maryland

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Maryland for the purpose of approving a maintenance plan and a request to redesignate the Baltimore carbon monoxide nonattainment area, from nonattainment to attainment for CO. In the Final Rules section of this Federal Register, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the

approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by November 30, 1995.

ADDRESSES: Written comments on this action should be addressed to Marcia L. Spink, Associate Director, Air Programs, Mailcode 3AT00, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland 21224.

FOR FURTHER INFORMATION CONTACT: Catherine L. Magliocchetti, (215) 597-6863.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action which is located in the Rules and Regulations Section of this Federal Register.

Authority: 42 U.S.C. 7401-7671q.

Dated: September 29, 1995.

W. Michael McCabe,

Regional Administrator, Region III.

[FR Doc. 95-26960 Filed 10-30-95; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 95-153; RM-8702]

Radio Broadcasting Services; Tillamook, OR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Brian Lord requesting the allotment of Channel 231A to Tillamook, OR, as the community's second local FM service. Channel 231A can be allotted to

Tillamook in compliance with the Commission's minimum distance separation requirements with a site restriction of 5.8 kilometers (3.6 miles) west, at coordinates 45-27-27 North Latitude; 123-55-00 West Longitude, to avoid a short-spacing to Station KPDQ-FM, Channel 229C, Portland, Oregon. Canadian concurrence is required since Tillamook is located within 320 kilometers (200 miles) of the U.S.-Canadian border.

DATES: Comments must be filed on or before December 18, 1995, and reply comments on or before January 2, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Brian Lord, 3824 SW Myrtle Street, Seattle, WA 98126-3210 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-153, adopted September 26, 1995, and released September 29, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

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 broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95-26978 Filed 10-30-95; 8:45 am]

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 641**

[Docket No. 94113-4354; I.D. 102395D]

Reef Fish Fishery of the Gulf of Mexico; Red Snapper

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

ACTION: Announcement of a proposed reopening of a fishery.

SUMMARY: NMFS announces that the closed commercial fishery for red snapper in the exclusive economic zone (EEZ) of the Gulf of Mexico will be reopened. Reopening of the fishery is necessary because the 1995 annual commercial quota for red snapper has not been taken. The commercial fishery for red snapper from the Gulf of Mexico will close 36 hours after the reopening is effective.

DATES: The reopening of the commercial red snapper fishery, to be announced through publication in the Federal Register, will be effective for a 36-hour period that will commence at 12:01 a.m., local time, on a date yet to be determined. Such period will be between October 29, 1995, and November 4, 1995.

FOR FURTHER INFORMATION CONTACT: Robert Sadler or Michael Justen, 813-570-5305.

SUPPLEMENTARY INFORMATION: The reef fish fishery of the Gulf of Mexico is managed under the Fishery Management Plan for the Reef Fish Fishery of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of Mexico Fishery Management Council (Council) and is implemented through regulations at 50 CFR part 641 under the authority of the Magnuson Fishery

Conservation and Management Act (16 U.S.C. 1801 *et seq.*). Those regulations set the commercial quota for red snapper in the Gulf of Mexico at 3.06 million lb (1.39 million kg) for the current fishing year, January 1 through December 31, 1995.

Under 50 CFR 641.26, NMFS is required to close the commercial fishery for a species or species group when the quota for that species or species group is reached, or is projected to be reached, by publishing a notification to that effect in the Federal Register. Based on statistics available at that time, NMFS projected that the commercial quota for red snapper would be reached on April 14, 1995. Accordingly, the commercial fishery in the EEZ in the Gulf of Mexico for red snapper was closed effective 12:01 a.m., local time, April 15, 1995, through December 31, 1995—the end of the fishing year. Notification of closure was filed with the Office of the Federal Register on April 12, 1995 (60 FR 19363, April 18, 1995).

Upon further analysis of the landings data, including new information that became available since announcement of the closure date, NMFS has determined that approximately 210,000 lb (95,254 kg) of the 1995 red snapper commercial quota remain unharvested. Accordingly, the Council requested that NMFS reopen the fishery.

Catch rates during the first 7 days of the 1995 season averaged approximately 90,000 lb (40,823 kg) per day. At that catch rate, and under the restrictions in effect through 1995, the harvest of red snapper during a 36-hour period would be approximately 135,000 lb (61,235 kg). The restrictions in effect through 1995 specify that a vessel with a red snapper endorsement on its reef fish permit may not land, in any day, red snapper in excess of 2,000 lb (907 kg) and other permitted vessels may not land, in any day, red snapper in excess of 200 lb (91 kg). While a 36-hour reopening of the commercial fishery may not result in the

full commercial quota being harvested, such period provides reasonable assurance that the commercial quota on the overfished red snapper resource is not exceeded.

The Council requested that this reopening of the commercial fishery for red snapper occur around November 1, 1995, with the opening date to be selected based on projected weather conditions. The Council and NMFS do not want to create a situation where vessels owners and operators would feel compelled to fish during marginal weather conditions. Accordingly, this notification advises fishermen in the Gulf of Mexico reef fish fishery that the commercial red snapper fishery in the EEZ of the Gulf of Mexico will be reopened for a period of 36 hours commencing at 12:01 a.m., local time, at a date to be selected between October 29, 1995, and November 4, 1995. A notification of the date will be filed with the Office of the Federal Register not less than 48 hours prior to the effective date of the reopening and notification will be disseminated via a news release distributed to reef fish dealers, state enforcement agencies, Sea Grant offices, and other constituents. In addition, NMFS will request that advance notification of the effective date and time of the reopening be broadcast by coastal NOAA Weather Radio stations in the Gulf of Mexico.

Classification

This action is taken under 50 CFR 641.26 and is exempt from review under E.O. 12866.

Dated: October 25, 1995.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 95-26891 Filed 10-25-95; 4:49 pm]

BILLING CODE 3510-22-F