

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* contact.

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, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 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 Alabama, is amended by adding Shorter, Channel 300A.

3. Section 73.202(b), the Table of FM Allotments under Idaho, is amended by adding Channel 228C3, Channel 238C3, Channel 275C3, and Channel 293C3 at McCall.

4. Section 73.202(b), the Table of FM Allotments under Florida, is amended by adding Channel 249C3 at Cross City and Channel 237C3 at Key Largo.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 04–13809 Filed 6–17–04; 8:45 am]

**BILLING CODE 6712–01–P**

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[DA 04–1418; MB Docket No. 04–204; RM–10661]

#### Radio Broadcasting Services; Birmingham, Alabama and Calhoun, GA

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rulemaking filed by SSR Communications Incorporated requesting the allotment of Channel 233A at Calhoun, Georgia, as its first FM aural broadcast service. The proposal also requires the reclassification of Station WYSF(FM),

Birmingham, Georgia, Channel 233C to specify operation on Channel 233C0 pursuant to the reclassification procedures adopted by the Commission. See *Second Report and Order* in MM Docket 98–93, *1998 Biennial Regulatory Review—Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules*, 65 FR 79773 (2000). An Order to Show Cause was issued to Citadel Broadcasting Company, licensee of Station WYSF(FM). Channel 233A can be allotted at Calhoun, Georgia, at Petitioner's requested site 10.8 kilometers (6.7 miles) east of the community to avoid short-spacing to the license site of Station WMUU(FM), Channel 233C, Greenville, South Carolina. The reference coordinates for Channel 233A at Calhoun are 34–31–48 NL and 84–50–19 WL.

**DATES:** Comments must be filed on or before July 19, 2004, and reply comments on or before August 3, 2004. Any counterproposal filed in this proceeding need only protect Station WYSF(FM), Birmingham, Georgia, as a Class C0 allotment.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner as follows: Matthew K. Wesolowski, General Manager, SSR Communications Incorporated, 5270 West Jones Bridge Road, Norcross, Georgia 30092–1628.

**FOR FURTHER INFORMATION CONTACT:** Rolanda F. Smith, Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MB Docket No. 04–204, adopted May 26, 2004, and released May 28, 2004. 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, CY–A257, 445 12th Street, SW., Washington, DC. This document may also be purchased from the Commission's duplicating contractors, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 202–863–2893, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

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, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 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 Alabama is amended by removing Channel 233C and by adding Channel 233C0 at Birmingham.

3. Section 73.202(b), the Table of FM Allotments under Georgia is amended by adding Calhoun, Channel 233A.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 04–13808 Filed 6–17–04; 8:45 am]

**BILLING CODE 6712–01–P**

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 660

[I.D. 061404A]

RIN 0648–AS26

#### Fisheries Off West Coast States and in the Western Pacific; Notice of Availability of Amendment 16–3 to the Pacific Coast Groundfish Fishery Management Plan

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

**ACTION:** Notice of availability of an amendment to a fishery management plan; request for comments.

**SUMMARY:** NMFS announces that the Pacific Fishery Management Council (Pacific Council) has submitted Amendment 16–3 to the Pacific Coast Groundfish Fishery Management Plan (FMP) for Secretarial review.

Amendment 16–3 would amend the FMP to include overfished species rebuilding plans for bocaccio, cowcod, widow rockfish, and yelloweye rockfish. Amendment 16–3 is intended to address the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) to protect and rebuild overfished species managed under a Federal FMP. Amendment 16–3 is also intended to respond, in part, to a Court order in which NMFS was ordered to provide Pacific Coast groundfish rebuilding plans as FMPs, FMP amendments, or regulations, as required by the Magnuson-Stevens Act.

**DATES:** Comments on Amendment 16–3 must be received on or before August 17, 2004.

**ADDRESSES:** Copies of Amendment 16–3 and the Environmental Impact Statement/Regulatory Impact Review/Initial Regulatory Flexibility Analysis for the amendment are available from Donald McIsaac, Executive Director, Pacific Fishery Management Council, 7700 NE Ambassador Place, Portland, OR 97220.

You may submit comments on Amendment 16–3 or supporting documents, identified by [RIN 0648–AS26], by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

- E-mail: [Amendment16-3NOA.nwr@noaa.gov](mailto:Amendment16-3NOA.nwr@noaa.gov). Include the RIN number in the subject line of the message.

- Fax: 206–526–6736, Attn: Jamie Goen.

- Mail: D. Robert Lohn, Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115–0070; or Rod McLinnis, Acting Administrator, Southwest Region, NMFS, 501 West Ocean Blvd, Suite 4200, Long Beach, CA 90802–4213.

**FOR FURTHER INFORMATION CONTACT:** Jamie Goen (Northwest Region, NMFS), phone: 206–526–4646; fax: 206–526–6736; or e-mail: [jamie.goen@noaa.gov](mailto:jamie.goen@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**Electronic Access**

This **Federal Register** document is also accessible via the internet at the website of the Office of the Federal Register: <http://www.gpoaccess.gov/fr/index.html>.

**Background**

The Magnuson-Stevens Act requires each regional fishery management council to submit fishery management plans or plan amendments to NMFS for

review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires NMFS, immediately upon receiving a fishery management plan or plan amendment, to publish notification in the **Federal Register** that the fishery management plan or plan amendment is available for public review and comment. At the end of the comment period, NMFS considers the public comments received during the comment period described above in determining whether to approve, partially approve, or disapprove the fishery management plan or plan amendment.

This notice of availability announces an amendment, Amendment 16–3, to the FMP to include overfished species rebuilding plans for bocaccio, cowcod, widow rockfish, and yelloweye rockfish. NMFS declared the bocaccio stock overfished on March 3, 1999 in a letter from NMFS to the Pacific Council announcing partial approval of Amendment 11 to the groundfish FMP, which approved the overfishing definition. Cowcod was declared overfished on January 4, 2000 (65 FR 221), widow rockfish on January 11, 2001 (66 FR 2338) and yelloweye rockfish on January 11, 2002 (67 FR 1555). Because the spawning stock biomass levels for these stocks were determined to be below the minimum stock size threshold defined by the FMP, rebuilding plans need to be implemented to return the stocks to their maximum sustainable yield biomass levels (target biomass).

The rebuilding plans being adopted under Amendment 16–3 were approved by the Pacific Council at its April 2004 meeting. These rebuilding plans specify rebuilding parameters for individual stocks and are intended to address the Magnuson-Stevens Act requirement to protect and rebuild overfished species, in particular National Standard 1 on overfishing and Section 304(e). When making the recommendation to implement these rebuilding plans, the Pacific Council sought to balance the rebuilding risks to each stock with the short and long-term socio-economic costs borne by groundfish buyers, commercial harvesters, and recreational operators as a result of constraining the fisheries to reduce total mortality of these overfished species. Amendment 16–3 is based on the policies and rebuilding parameters established by Amendment 16–1.

On August 18, 2003 (68 FR 49415), NMFS published a notice of availability for Amendment 16–1 to the FMP and approved the amendment on November 14, 2003. The final rule to codify provisions of Amendment 16–1 was

published in the **Federal Register** on February 26, 2004 (69 FR 8861). Amendment 16–1 amended the FMP by requiring that Pacific Coast groundfish overfished species rebuilding plans be added into the FMP via FMP amendment and implemented through Federal regulations. For each approved overfished species rebuilding plan, the following parameters are to be specified in the FMP: estimates of unfished biomass ( $B_0$ ) and target biomass ( $B_{MSY}$ ), the year the stock would be rebuilt in the absence of fishing ( $T_{MIN}$ ), the year the stock would be rebuilt if the maximum time period permissible under the national standard guidelines were applied ( $T_{MAX}$ ), the target year in which the stock would be rebuilt under the adopted rebuilding plan ( $T_{TARGET}$ ), and a harvest control rule. Other relevant information listed in Amendment 16–1 will also be included in the FMP, including the probability of the stock attaining  $B_{MSY}$  by  $T_{MAX}$  ( $P_{MAX}$ ).

As required by the standards in Amendment 16–1, the rebuilding plans under Amendment 16–3 for bocaccio, cowcod, widow rockfish, and yelloweye rockfish include estimates of unfished biomass and target biomass, the year the stock would be rebuilt in the absence of fishing, the year the stock would be rebuilt if the maximum time period permissible under the national standard guidelines were applied, the target year in which the stock would be rebuilt under the adopted rebuilding plan, and the harvest control rule for each species. Amendment 16–3 would add these parameters to section 4.5.4. of the FMP. Other relevant information on each of these overfished stocks, such as stock distribution, fishery interaction, and the rebuilding strategy would also be added to section 4.5.4 of the FMP. The information described above would be included in the FMP to serve as management benchmarks.

In addition, the final rule to Amendment 16–1 requires that the two rebuilding parameters needed to establish annual or biennial optimum yields (OYs) for overfished species be codified in Federal regulations (69 FR 8861, February 26, 2004). These parameters are the target year for rebuilding and the harvest control rule that is to be used during the rebuilding period. The target rebuilding year is the year in which there is a 50 percent probability that the stock will be rebuilt with a given mortality rate. The harvest control rule expresses a given fishing mortality rate that is to be used over the course of rebuilding, unless modified in a subsequent rulemaking.

An approved rebuilding plan will be implemented through setting OYs and establishing management measures necessary to maintain the fishing mortality within the OYs and to achieve objectives related to rebuilding requirements.

Public comments on Amendment 16-3 must be received by August 17, 2004, to be considered by NMFS in the

decision whether to approve, disapprove, or partially approve Amendment 16-3. A proposed rule to implement Amendment 16-3 has been submitted for Secretarial review and approval. NMFS expects to publish and request public comments on proposed regulations to implement Amendment 16-3 in the near future.

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

Dated: June 14, 2004.

**Alan D. Risenhoover,**

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

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