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List of Subjects in 47 CFR Part 73

Digital television broadcasting, Television.

■ Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.622 [Amended]

■ 2. Section 73.622(b), the Table of Digital Television Allotments under Arkansas, is amended by removing DTV channel *45 and adding DTV channel *9 at Fayetteville.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Division, Media Bureau.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 0330612150-3214-02; I.D. 082903B]

Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Reallocation of Pacific Sardine

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

ACTION: Reallocation of Pacific sardine.

SUMMARY: NMFS announces the reallocation of the remaining Pacific sardine harvest guideline in the exclusive economic zone off the Pacific Coast. On September 1, 2003, 59,508 metric tons (mt) of the 110,908 mt harvest guideline is expected to remain unharvested. The Coastal Pelagics Species Fishery Management Plan (FMP) requires that a review of the fishery be conducted and any uncaught portion of the harvest guideline remaining unharvested in Subarea A (north of Pt. Arena, CA) and Subarea B (south of Pt. Arena, CA) be added

together and reallocated, with 20 percent allocated to Subarea A and 80 percent to Subarea B; therefore, 11,902 mt is allocated to Subarea A and 47,600 mt is allocated to Subarea B. The intended effect of this action is to ensure that a sufficient amount of the resource is available to all harvesters on the Pacific Coast and to achieve optimum yield.

DATES: Effective September 5, 2003.

FOR FURTHER INFORMATION CONTACT: James J. Morgan, Southwest Region, NMFS, 562-980-4036.

SUPPLEMENTARY INFORMATION: On December 31, 2002, NMFS published notice of a harvest guideline of 110,908 mt for Pacific sardine in the **Federal Register** (67 FR 79889) for the fishing season January 1, 2003, through December 31, 2003. The harvest guideline was allocated as specified in the FMP at that time, that is, one-third (36,969 mt) for Subarea A, which is north of 35° 40' N. lat. (Pt. Piedras Blancas, CA) to the Canadian border; and two-thirds (73,939 mt) for Subarea B, which is south of 35° 40' N. lat. to the Mexican border.

On August 26, 2003, a regulatory amendment to the FMP developed by the Pacific Fishery Management Council (Council) was approved, and a final rule implementing the amendment was published in the **Federal Register** on September 4, 2003 (68 FR 52523). The amendment (1) changed the definition of Subarea A and Subarea B by moving the geographic boundary between the two areas from Pt. Piedras Blancas, CA at 35° 40' 00" N. lat. to Pt. Arena, CA at 39° 00' 00" N. lat., (2) moved the date when Pacific sardine that remain unharvested are reallocated to Subarea A and Subarea B from October 1 to September 1, (3) changed the percentage of the unharvested sardine that is reallocated to Subarea A and Subarea B from 50 percent to both subareas to 20 percent to Subarea A and 80 percent to Subarea B, and (4) reallocated all unharvested sardine that remain on December 1 coast wide.

Landings in the Pacific Northwest in 2003 have been below the landings for the same period during the 2002 fishing season. Landings by September 1 in Subarea A north of Pt. Arena are expected to be 23,400 mt; therefore, 13,569 mt of the initial allocation to Subarea A of 36,969 mt will remain unharvested. Landings in California have also been below landings for the same period in 2002. Landings by September 1 in Subarea B south of Pt. Arena are expected to be 28,000 mt;

therefore, 45,939 mt of the initial allocation to Subarea B of 73,939 will remain unharvested. From the best information available, a total of 59,508 mt of the 110,908 mt harvest guideline is anticipated will remain unharvested on September 1. Therefore, according to the requirements of the FMP, as amended, 20 percent of 59,508 mt (11,902 mt) is allocated to Subarea A, and 80 percent of 59,508 mt (47,606 mt) is allocated to Subarea B.

Any portion of 110,908 mt harvest guideline that remains unharvested in Subarea A and Subarea B on December 1, 2003, will be available for harvest coast-wide until the 110,908 mt harvest guideline is reached and the fishery closed.

Classification

This action is authorized by the FMP in accordance with 50 CFR 660.517 and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA (AA) finds for good cause under 5 U.S.C. 553(b)(B) that providing prior notice and an opportunity for public comment on this action is unnecessary because redistribution of the harvest guideline is a ministerial act required by the FMP to ensure that all harvesters have access to the resource. This action relieves potential restrictions on those affected by Federal regulations, and affording additional notice and comment would impede the agency's ability to manage Pacific sardine. Accordingly, providing prior notice and an opportunity for public comment would serve no useful purpose.

Because this rule merely provides a redistribution of a harvest guideline to meet the requirements of the FMP and does not require any participants in the fishery to take action or to come into compliance, the AA finds for good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness of this rule.

Because prior notice and opportunity for public comment are not required for this action by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are not applicable.

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

Dated: September 4, 2003.

Richard W. Surdi,

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

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