

We are also correcting the proposed rule to conform to a provision in a new final rule published by the Office of Hearings and Appeals (OHA) on December 10, 2003 (68 FR 68765). Section 4160.3(c) in the proposed rule referred to the authority of an administrative law judge to provide that a grazing decision becomes effective immediately as provided in 43 CFR 4.21(a)(1). That provision does not contain such authority for administrative law judges. However, the December 10, 2003, OHA final rule does contain such authority in 43 CFR 4.479(c). Therefore, this notice corrects the cross-reference. We are also correcting editorial and typographical errors.

In proposed rule FR Doc. 03-30264, published on December 8, 2003 (68 FR 68452), make the following corrections.

1. On page 68460, in the second column, in line 10 of the column, correct the reference to "section 4130.3-1" to read "section 4130.3-3."

2. On page 68464, in the second column, in line 1 of the column, correct the reference to "section 4140.0" to read "section 4140.1."

3. On page 68473, in the second column, in paragraph (c) of § 4160.3, correct the final sentence to read as follows:

**§ 4160.3 Final decisions.**

\* \* \* \* \*

(c) \* \* \* Nothing in this section affects the authority of the Director of the Office of Hearings and Appeals or the Interior Board of Land Appeals as provided in § 4.21(a)(1) of this title, or the authority of an administrative law judge as provided in § 4.479(c) of this title, to provide that the decision becomes effective immediately.

Dated: January 9, 2004.

**Rebecca W. Watson,**

*Assistant Secretary, Land and Minerals Management.*

[FR Doc. 04-1032 Filed 1-15-04; 8:45 am]

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Parts 61 and 69**

[CC Docket Nos. 96-262, 94-1, 91-213, 95-72; DA 03-3961]

**Parties Asked To Refresh Record Regarding Reconsideration of Rules Adopted in 1997 Access Reform Docket**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** In this document, the Commission invites interested parties to update the record concerning petitions for reconsideration of rules that the Commission adopted in the 1997 access charge reform docket. Because the petitions for reconsideration were filed several years ago, passage of time and intervening developments may have caused the record developed by those petitions to become stale. If parties do not indicate an intent to pursue previous petitions for reconsideration, the Commission will deem them withdrawn and will dismiss them.

**DATES:** Comments are due on or before February 17, 2004, and reply comments are due on or before March 1, 2004.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. See

**SUPPLEMENTARY INFORMATION** for filing instructions.

**FOR FURTHER INFORMATION CONTACT:**

Marvin F. Sacks, Attorney-Advisor, Wireline Competition Bureau, Pricing Policy Division, (202) 418-1520 or via the Internet at [marvin.sacks@fcc.gov](mailto:marvin.sacks@fcc.gov).

**SUPPLEMENTARY INFORMATION:** Below is a summary of the Commission's document in CC Docket Nos. 96-262, 94-1, 91-213, and 95-72 adopted December 15, 2003, and released December 15, 2003. When filing comments and reply comments, parties should reference CC Docket Nos. 96-262, 94-1, 91-213, and 95-72, and conform to the filing procedures contained in the Notice. All pleadings may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs>. Commenters must transmit one electronic copy of the comments to each docket number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket number appears in the caption of this proceeding, commenters must submit two additional copies for each

additional docket number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554. The Commission advises that electronic media not be sent through USPS. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Suite TW-A325, Washington, DC 20554. Two (2) copies of the comments and reply comments should also be sent to Aaron Goldschmidt, Assistant Division Chief, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, SW., Room 5-A121, Washington, DC 20554. Parties shall also serve one copy with Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, (202) 863-2893, or via e-mail to [qualexint@aol.com](mailto:qualexint@aol.com). The original petitions for reconsideration filed by the parties in CC Docket Nos. 96-262, 94-1, 91-213, and 95-72 are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. The documents may also be purchased from Qualex International, telephone (202) 863-2893, facsimile (202) 863-2898. This document may also be purchased from Qualex International and is available via the Internet at [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-03-3961A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-03-3961A1.pdf)

**Synopsis**

1. After the Commission released the *Access Charge Reform First Report and Order* on May 16, 1997, published at 62 FR 31868 (June 11, 1997) in CC Docket Nos. 96-262, 94-1, 91-213, and 95-72, FCC 97-158, several parties filed petitions for reconsideration of that

order. Since then, litigation and additional orders, including the *Access Charge Reform Sixth Report and Order (CALLS Order)*, 65 FR 57739 (September 26, 2000), have addressed access charge reform and the rules adopted in the *Access Charge Reform First Report and Order*. Issues raised in the pending petitions for reconsideration may, therefore, have become moot or irrelevant.

2. As a result, it is not clear what issues arising out of the *Access Charge Reform First Report and Order*, if any, remain in dispute. Moreover, because the *CALLS Order* arose out of a voluntary proposal representing a large consensus in the industry, the earlier concerns raised by the petitions for reconsideration already may have been addressed. Furthermore, because the petitions for reconsideration were filed several years ago, the passage of time and intervening developments may have caused the record developed by those petitions to become stale.

3. For these reasons, the Commission requests that parties that filed petitions for reconsideration of the *Access Charge Reform First Report and Order* now file a supplemental notice indicating those issues that they still wish to be reconsidered. In addition, these parties may refresh the record with any new information or arguments that they believe to be relevant to deciding those issues. If parties do not indicate an intent to pursue previous petitions for reconsideration, the Commission will deem them withdrawn and will dismiss them. The refreshed record will enable the Commission to undertake appropriate reconsideration of its access charge related rules.

Federal Communications Commission.

**Aaron Goldschmidt,**

*Assistant Division Chief, Pricing Policy Division, Wireline Competition Bureau.*

[FR Doc. 04-903 Filed 1-15-04; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[I.D. 011204A]

RIN 0648-AN16

#### Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Amendment 10 to the Atlantic Sea Scallop Fishery Management Plan

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

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

**SUMMARY:** NMFS announces that the New England Fishery Management Council (Council) has submitted Amendment 10 to the Atlantic Sea Scallop Fishery Management Plan (FMP) (Amendment 10) incorporating the draft Final Supplemental Environmental Impact Statement (FSEIS), Regulatory Impact Review (RIR), and the Initial Regulatory Flexibility Analysis (IRFA), for Secretarial review and is requesting comments from the public. Amendment 10 would establish a long-term, comprehensive program to manage the Atlantic sea scallop fishery through an area rotation management program to maximize scallop yield. Amendment 10 evaluates and proposes measures to minimize the adverse effects of fishing on Essential Fish Habitat (EFH), in accordance with the Joint Stipulation and Order in the American Oceans Campaign et al. v Evans et al. (Civil Case Number 99-982 (GK)) (Joint Stipulation and Order). In addition to the area rotation program, Amendment 10 includes a suite of management measures intended to make the management program more effective, efficient, and flexible.

**DATES:** Comments must be received on or before March 15, 2004.

**ADDRESSES:** Comments on the FMP and other incorporated documents listed below should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope, "Comments on Atlantic Sea Scallop Amendment 10." Comments may also be sent via facsimile (fax) to (978) 281-

9135. Comments will not be accepted if submitted via e-mail or the Internet.

Copies of Amendment 10, the draft Final Supplemental Environmental Impact Statement (FSEIS), Regulatory Impact Review (RIR), and the Initial Regulatory Flexibility Analysis (IRFA) are available from Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950. These documents are also available online at <http://www.nefmc.org>.

**FOR FURTHER INFORMATION CONTACT:**

Peter Christopher, Fishery Policy Analyst, 978-281-9288, fax 978-281-9135, e-mail

[peter.christopher@noaa.gov](mailto:peter.christopher@noaa.gov).

**SUPPLEMENTARY INFORMATION:** A notice of availability for the Draft Supplemental Environmental Impact Statement (DSEIS) for Amendment 10 was published in the **Federal Register** on April 18, 2003 (68 FR 19206). The public was given 90 days to comment on the DSEIS, in accordance with the EFH Settlement Agreement. After considering all comments on the DSEIS, the Council adopted the final measures to be included in Amendment 10 at its August 13-14, and September 16-17, 2003, meetings and voted to submit the Amendment 10 document, including the FSEIS, to NMFS.

Amendment 10 is intended to establish a long-term, comprehensive program to manage the sea scallop fishery through an area rotation management program to maximize scallop yield. Area rotation would close and re-open areas based on the condition and size of the scallop resource in discrete areas. Area-based management has been used in the FMP since 1998, with controlled access to the Georges Bank and southern New England groundfish closed areas and the Hudson Canyon and Virginia Beach scallop closed areas. Amendment 10 evaluates and includes measures to minimize the adverse effects of fishing on EFH, in accordance with the Joint Stipulation and Order. Amendment 10 also proposes the following management measures: Initial area rotation closed area, a controlled access area; area specific days-at-sea (DAS) for the area rotation program; DAS allocations for the 2004 and 2005 fishing years; an increase in the minimum ring size for scallop dredge gear; an increase in the minimum twine top mesh size for scallop dredges; a new possession limit restriction for limited access scallop vessels fishing outside of DAS; set-asides of total allowable catch (TAC) and DAS to pay for scallop resource and fishery-related research;