SUMMARY: The Commission, at the
request of Francis C. Toce, allots
Channel 293A to Minetto, New York, as
the community's first local aural
broadcast service. See 58 FR 26089,
April 30, 1993. Channel 293A can be
allotted to Minetto in compliance with
the Commission's minimum distance
separation requirements, with respect to
domestic allotments, with a site
restriction of 10.9 kilometers (6.7 miles)
westnorthwest, at coordinates North Latitude
43°24'40" and West Longitude 76°36'-
40", to avoid a short-spacing to the
pending application for Channel 294C3
at Copenhagen, New York (BMPH–
930310IB). This allotment is short-
spaced to Station CJBCSF, Channel
292B, Peterboro, Ontario, and to vacant
Channel 293A at Brockville, Ontario,
Canada. However, Canadian
concurrence has been received for the
allotment of Channel 293A as a
specialized negotiated allotment, since
Minetto is located within 320 kilometers
(200 miles) of the U.S.-Canadian border.
With this action, this proceeding is
terminated.

DATES: Effective March 10, 1994. The
window period for filing applications
will open on March 11, 1994, and close
on April 11, 1994.

FOR FURTHER INFORMATION CONTACT:
Leslie K. Shapiro, Mass Media Bureau,
(202) 634–6530.

SUPPLEMENTARY INFORMATION: This is
a synopsis of the Commission’s Report
and Order, MM Docket No. 93–103,
adopted December 30, 1993, and
released January 25, 1994. 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 Service, Inc., (202) 857–
3800, 2100 M Street, NW., suite 140,
Washington, DC 20037.

List of Subjects in 47 CFR Part 73
Radio broadcasting.
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:

§73.202 [Amended]
2. Section 73.202(b), the Table of FM
Allotments under New York, is
amended by adding Minetto, Channel
293A.

DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
50 CFR Part 675
[Docket No. 90899–0015; L.D. 012494A]

Groundfish of the Bering Sea and
Aleutian Islands Area
AGENCY: National Marine Fisheries
Service (NMFS), National Oceanic and
Atmospheric Administration (NOAA),
Commerce.

ACTION: Change in observer coverage;
suspension of effectiveness.

SUMMARY: On January 20, 1994, NMFS
published a change in observer coverage
for certain participants in the
groundfish fishery of the Bering Sea and
Aleutian Islands (BSAI). NMFS is
suspending until February 13, 1994, the
effectiveness of the requirement for
operators of catcher or processor vessels
equal to or greater than 60 feet (18.3 m)
length overall (LOA) and less than 125
feet (38.1 m) LOA to have a NMFS-certified
observer on board the vessel each
day that it is used to participate in a
directed fishery for groundfish in statistical
area 517 during the period that the 1994
directed fishery is open for Pacific cod.

This action is taken under 50 CFR
675.25 and is in compliance with E.O.
12866. Because this action is required to
provide relief to vessel owners who
otherwise would be unable to comply
with observer coverage requirements, it
is unnecessary and not in the public
interest to provide prior public
comment under 5 U.S.C. 553(b)(3). Also,
because this action temporarily relieves
a restriction, it is being made effective
immediately without a 30-day delay in
effectiveness under 5 U.S.C. 553(d)(1).

List of Subjects in 50 CFR Part 675
Fisheries, Recordkeeping and
reporting requirements.


David S. Crestin,
Acting Director, Office of Fisheries
Conservation and Management, National
Marine Fisheries Service.
[FR Doc. 94–1872 Filed 1–25–94; 2:15 pm]
BILLING CODE 3510–22–M

50 CFR Part 675
[Docket No. 931075–4012; L.D. 100893A]

Groundfish of the Bering Sea and
Aleutian Islands Area
AGENCY: National Marine Fisheries
Service (NMFS), NOAA, Commerce.
ACTION: Final rule; final apportionments of the 1994 Pacific cod total allowable catch among gear types and seasons.

SUMMARY: NMFS announces the approval of Amendment 24 to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI) and issues final regulations to implement the amendment that allocates the Pacific cod total allowable catch (TAC) among vessels using trawl, hook-and-line or pot gear. Consistent with the regulations implementing Amendment 24, NMFS also specifies 1994 gear allocations and seasonal apportionments of the amount of the 1994 Pacific cod TAC allocated to vessels using hook-and-line or pot gear. These allocations also authorize seasonal gear, and jig gear through vessels using trawl, hook-and-line or pot gear. Consistent cod apportionments of the portion of Pacific regulations also authorize seasonal gear, and jig gear through vessels using trawl, hook-and-line or pot gear. Amendment 24 was approved by the Secretary of Commerce on January 5, 1994, under section 304(b) of the Magnuson Act. This amendment establishes FMP author to allocate the Pacific cod TAC among vessels using different gear types and to seasonally apportion gear allocations of Pacific cod. Upon reviewing the reasons for Amendment 24, and the comments on the proposed rule to implement it, NMFS has determined that this action is necessary for fishery conservation and management and implements the following three measures through December 31, 1996, under authority of Amendment 24.

1. The BSAI Pacific cod total allowable catch (TAC) is allocated annually among gear types as follows: 2 percent to vessels using jig gear; 44 percent to vessels using hook-and-line or pot gear; and 54 percent to vessels using trawl gear. In monitoring the use of these gear allocations, all cod catch and cod bycatch by each of the three gear groups will be counted against its allocation.

2. The Secretary, after consultation with the Council, is authorized to seasonally apportion the amount of the Pacific cod TAC allocated to vessels using hook-and-line or pot gear. Seasonal apportionments will be divided among three seasons of 4 months duration each, and will be established through the annual September-December specifications process ($675.20(a)). Any seasonal apportionments of the amount of Pacific cod TAC allocated to vessels using hook-and-line or pot gear must be based on the following information: (A) Seasonal distribution of prohibited species; (B) seasonal distribution of Pacific cod relative to prohibited species distribution; (C) expected variations in Pacific halibut bycatch rates throughout the fishing year; and (D) economic effects of any seasonal apportionment of Pacific cod on the hook-and-line and pot gear fisheries.

3. The Director, Alaska Region, NMFS (Regional Director) is authorized to reallocate Pacific cod from vessels using trawl gear to vessels using hook-and-line or pot gear, and vice versa, anytime during the year the Regional Director determines that one gear group or the other will not be able to harvest its allocation of Pacific cod. That portion of the jig gear allocation that is expected to go unharvested may be transferred to vessels using trawl and hook-and-line or pot gear at the beginning of the third 4-month season.

The intent of the measures implemented under Amendment 24 is to provide stability in the trawl gear and fixed gear (jig, hook-and-line and pot) fisheries by establishing designated allocations of the Pacific cod TAC among vessels using these different gear types. Further explanation of, and reasons for, these measures are contained in the preamble to the proposed rule (58 FR 57803, October 27, 1993).

1994 Specifications of the Pacific cod TAC

The Council recommended proposed 1994 gear allocations and seasonal apportionments of the amount of Pacific cod allocated to vessels using hook-and-line or pot gear at its September 1993 meeting. The proposed specifications for the 1994 Pacific cod fishery were published in the Federal Register for public review and comment as part of the proposed rule implementing Amendment 24 (58 FR 57803, October 27, 1993). At its December 1993 meeting, the Council reaffirmed its September recommendations. NMFS concurs with the Council's recommendations and has included the final specifications for the 1994 Pacific cod fisheries in this action implementing Amendment 24 (Tables 1 and 2).

Consistent with regulations authorizing seasonal apportionments of the amount of Pacific cod allocated to vessels using hook-and-line or pot gear ($675.20(a)(2)(v)), a discussion of the seasonal apportionments relative to the seasonal distribution of Pacific cod and prohibited species, prohibited species bycatch rates, and economic effects on the hook-and-line and pot gear fisheries is presented in the preamble to the proposed rule implementing Amendment 24 (58 FR 57803, October 27, 1993). In 1994, 1995, and 1996, the proposed and final specifications for Pacific cod will be established through the annual TAC specification process undertaken by NMFS and the Council during the September and December Council meetings each year ($$675.20(a)(2) and 675.21(b)(3)).
types is an important management measure during the period the Council is developing a comprehensive plan to manage the groundfish fisheries. The implementation of the amendment should proceed without delay. Response. NMFS conurs. Amendment 24 has been approved and implementing regulations are issued under the schedule set forth under section 305(a) of the Magnuson Act. Comment 4. Preferential allocation of Pacific cod or other groundfish species to the newly emergent longline freezer fleet in the BSAI is opposed. The Bering Sea cod fishery was developed by the trawl fleet and criteria historically applied by the Council in resource allocation issues would favor the BSAI trawl fleet in any cod allocation dispute with longline vessels. Although the trawl industry generally believes that a 60–40 split of the Pacific cod TAC between trawl and fixed gear would more closely reflect current utilization levels, the fixed gear allocation implemented under Amendment 24 will provide benefits from the stabilization of the trawl and fixed gear fisheries for Pacific cod. Such stabilization will allow for better and more efficient planning and effort by the industry to help resolve problems addressed by the Council. NMFS conurs that the fixed allocation of the Pacific cod TAC among gear groups will provide stability to the Pacific cod fisheries during the period the Council is developing a long-term comprehensive plan for the management of the Alaska groundfish resources. Comment 5. The annual apportionment of the halibut bycatch limit established for BSAI fisheries and seasons should support the annual seasonal apportionment of Pacific cod. Response. Regulations implementing Amendment 24 do not govern how Pacific halibut bycatch limits are apportioned among fisheries, although gear specific allocations of Pacific cod will be considered when apportioning prohibited species bycatch limits among fisheries and seasons during the annual specification process (§675.21(b)(3)). As required by regulations at §675.21(b)(3), NMFS will review the seasonal apportionment of the amount of Pacific halibut bycatch mortality specified for the Pacific cod fisheries when the agency makes a final determination on the 1994 groundfish specifications. Comment 6. The trawl industry generally supports Amendment 24 as a management measure that will support the stabilization of the Pacific cod fisheries provided that the annual process for apportioning the Pacific halibut bycatch mortality limit among trawl fisheries is not used to undermine the intent of this amendment. Efforts by representatives for the fixed gear fisheries to restrict the amount of halibut annually apportioned to the Pacific cod trawl fishery would prevent the trawl gear allocation of Pacific cod from being harvested and result in a de facto preferential allocation of cod to the fixed gear fleet. The Council and NMFS must ensure that the annual process for the apportionment of PSC limits among trawl fisheries does not lead to the instability that Amendment 24 is intended to avoid. Response. NMFS acknowledges that significant flexibility exists on how PSC limits are annually apportioned among fisheries and seasons. The resulting apportionments must be justified based on regulatory intent to optimize the harvest of available groundfish under a given PSC limit (§675.21(b)(1) and (b)(3)). NMFS believes that the annual prohibited species bycatch allowances specified for the Pacific cod trawl fishery should be based on anticipated prohibited species bycatch needs. NMFS has advised the Council that it should consider PSC limits for apportionments among fisheries and seasons that are consistent with regulations implementing Amendment 24. Nonetheless, the PSC limits established for the BSAI trawl fisheries likely will continue to constrain the ability of trawl fisheries to harvest available groundfish. Comment 7. Amendment 24 as adopted by the Council, did not establish a fixed allocation of the BSAI trawl halibut bycatch limit to the Pacific cod trawl fishery and the proposed rule did not rectify this omission. This measure is necessary for reasons stated in Comment 6. The anticipated benefits under Amendment 24 in terms of fishery stability will not be realized as long as the possibility exists for fixed gear interests to continue to use the annual specification process to constrain the amount of halibut bycatch apportioned to the Pacific cod trawl fishery, thereby achieving a de facto preferential allocation to the fixed gear fleet. Response. A separate amendment to the FMP would be needed to establish
PART 675—GROUNDFISH FISHERY OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

1. The authority citation for 50 CFR part 675 continues to read as follows:


2. In §675.20, paragraphs (a)(2)(iv), (a)(2)(v), and (a)(3)(iv) are added to read as follows:

   §675.20 General limitations.

   (a) * * *

   (2) * * *

   (iv) Applicable through December 31, 1996. (A) The TAC of Pacific cod, after subtraction of reserves, will be allocated 2 percent to vessels using jig gear, 44 percent to vessels using hook-and-line or pot gear, and 54 percent to vessels using trawl gear. The Regional Director may establish separate directed fishing allowances and prohibitions authorized under paragraphs (a)(8) and (b)(8) of this section for vessels harvesting Pacific cod using jig gear, hook-and-line or pot gear, or trawl gear.

   (B) If during a fishing year the Regional Director determines that vessels using trawl gear or hook-and-line or pot gear will not be able to harvest the entire amount of Pacific cod allocated to those vessels under paragraph (a)(2)(iv) of this section, then NMFS may reallocate the projected unused amount of Pacific cod to vessels harvesting Pacific cod using the other gear type(s) through publication in the Federal Register.

   (C) On or about September 1 of each year, the Regional Director will reallocate 45 percent of any unused amount of Pacific cod allocated to vessels using jig gear to vessels using hook-and-line or pot gear and 55 percent of any unused amount of Pacific cod allocated to vessels using jig gear to vessels using trawl gear through publication in the Federal Register.

   (v) Applicable through December 31, 1996. In the publications of proposed and final harvest limit specifications required under §675.20(a) of this part, the Secretary, after consultation with the Council, may seasonally apportion the amount of Pacific cod TAC allocated to vessels using hook-and-line or pot gear under paragraph (a)(2)(iv) of this section among the following three periods: January 1 through April 30; May 1 through August 31; and September 1 through December 31. The Secretary will base any seasonal apportionment of the Pacific cod allocation for vessels using hook-and-line or pot gear on the following information:

   (A) Seasonal distribution of Pacific cod relative to prohibited species distribution;

   (B) Expected variations in prohibited species bycatch rates experienced in the Pacific cod fisheries throughout the fishing year; and

   (C) Economic effects of any seasonal apportionment of Pacific cod on the hook-and-line and pot-gear fisheries.

   (3) * * *

   (iv) Applicable through December 31, 1996. Any amounts of the nonspecific reserve that are apportioned to Pacific cod as provided by paragraph (b) of this section must be apportioned between vessels using jig, hook-and-line or pot, and trawl gear in the same proportion specified in paragraph (a)(2)(iv)(A) of this section, unless the Regional Director determines under paragraph (a)(2)(iv)(B) of this section or paragraph (a)(2)(iv)(C) of this section that vessels using a certain gear type will not be able to harvest the additional amount of Pacific cod. In this case, the nonspecific reserve will be apportioned to vessels using the other gear type(s).

   * * *