

**47 CFR PART 73—[AMENDED]**

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

Authority: 47 U.S.C. 154, 303.

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Channel 231A at Merced.

Federal Communications Commission.

Kathleen B. Levitz,  
Deputy Chief, Policy and Rules Division,  
Mass Media Bureau.

[FR Doc. 90-25954 Filed 11-1-90; 8:45 am]

BILLING CODE 6712-01-M

**47 CFR Part 73**

[MM Docket No. 90-586; RM-7034]

**Radio Broadcasting Services; Millen, GA**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document substitutes Channel 235C3 for Channel 235A at Millen, Georgia, and modifies the construction permit for Station WMKO(FM) to specify operation on Channel 235C3, at the request of Radio Millen Broadcasting Co., Inc. See, 55 FR 00323, January 4, 1990. Channel 235C3 can be allotted to Millen in compliance with the Commission's minimum distance separation requirements with a site restriction of 12 kilometers (7.5 miles) southeast. The coordinates for this allotment are North Latitude 32-43-10 and West Longitude 81-52-00. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** December 14, 1990.

**FOR FURTHER INFORMATION CONTACT:** Nancy J. Walls, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 89-586, adopted October 1, 1990, and released October 30, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., suite 140, Washington, DC 20037.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

**47 CFR PART 73—[AMENDED]**

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

Authority: 47 U.S.C. 154, 303.

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by removing Channel 235A and adding Channel 235C3 at Millen.

Federal Communications Commission.

Kathleen B. Levitz,  
Deputy Chief, Policy and Rules Division,  
Mass Media Bureau.

[FR Doc. 90-25955 Filed 11-1-90; 8:45 am]

BILLING CODE 6712-01-M

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 646**

[Docket No. 900795-0263]

RIN 0646-AC96

**Snapper-Grouper Fishery of the South Atlantic**

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Final rule.

**SUMMARY:** NOAA issues this rule to implement Amendment 2 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). This rule prohibits the harvest or possession of jewfish in or from the exclusive economic zone (EEZ) off the South Atlantic states. The intended effect of this rule is to reduce fishing mortality of jewfish so that the species may be protected and the stock rebuilt.

**EFFECTIVE DATE:** October 30, 1990.

**FOR FURTHER INFORMATION CONTACT:** Robert A. Sadler, 813-893-3722.

**SUPPLEMENTARY INFORMATION:** Snapper-grouper species in the EEZ off the South Atlantic states are managed under the FMP prepared by the South Atlantic Fishery Management Council (Council), and its implementing regulations at 50 CFR part 646, under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The harvest or possession of jewfish in or from the EEZ off the South Atlantic states is currently banned through October 29, 1990, under an emergency rule (55 FR 18893, May 7, 1990) and an extension of that emergency rule (55 FR 28916, July 16, 1990). Amendment 2 to the FMP continues the ban and contains definitions of overfishing for jewfish and other species in the management unit of the FMP, as required by 50 CFR 602.11(c).

The background and rationale for the ban were contained in the proposed rule (55 FR 31406, August 2, 1990) and are not repeated here. Additional information on jewfish and a discussion of the proposed definitions of overfishing are contained in Amendment 2, the availability of which was announced in the Federal Register on July 17, 1990 (55 FR 29075).

No comments were received on the proposed rule. The Secretary of Commerce (Secretary) has approved Amendment 2, and the proposed rule is adopted as final with no changes.

**Classification**

The Director, Southeast Region, NMFS, determined that Amendment 2 is necessary for the conservation and management of the snapper-grouper fishery and that it is consistent with the Magnuson Act and other applicable law.

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator) determined that this rule is not a "major rule" requiring the preparation of a regulatory impact analysis under E.O. 12291. This rule is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Council prepared a regulatory impact review/regulatory flexibility analysis that analyzes the economic impacts of this rule and describes its effects on small business entities. A summary of those impacts and effects was included in the proposed rule and is not repeated here.

The Council prepared an environmental assessment (EA) that discusses the impact on the environment as a result of this rule. Based on the EA, the Assistant Administrator concluded that there will be no significant adverse impact on the human environment as a result of this rule.

The Council determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of Florida, South Carolina, and North Carolina. Georgia does not participate in the coastal zone management program. These determinations were submitted for review by the responsible state agencies under section 307 of the Coastal Zone Management Act. None of the states commented within the

statutory time period; therefore, consistent is implied.

This rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

The Assistant Administrator, pursuant to the Administrative Procedure Act (5 U.S.C. 553(d)(3)), finds for good cause, namely, to continue, uninterrupted, the required protection of the jewfish resource in the EEZ off the South Atlantic states, that it is not necessary to delay for 30 days the effective date of this rule.

List of Subjects in 50 CFR Part 646

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: October 29, 1990.

Michael F. Tillman,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 646 is amended as follows:

PART 646—SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC

1. The authority citation for part 646 continues to read as follows:

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

2. In § 646.6, in paragraph (1) the reference to "§ 646.24(b)(2) and (c)" is revised to read "§ 646.24 (b) and (c)", and paragraph (m) is revised to read as follows:

§ 646.6 Prohibitions.

(m) Harvest or possess a jewfish in or from the EEZ or fail to release a jewfish taken in the EEZ, as specified in § 646.20(c).

3. In § 646.20, a new paragraph (c) is added to read as follows:

§ 646.20 Harvest limitations.

(c) A jewfish may not be harvested or possessed in or from the EEZ. Jewfish taken in the EEZ incidentally by hook-and-line gear must be released immediately by cutting the line without removing the fish from the water.

4. In § 646.24, paragraph (b) is revised to read as follows:

§ 646.24 Area limitations.

(b) The use of fish traps and bottom longlines is prohibited in all of the SMZs specified in paragraph (a) of this section.

[FR Doc. 90-25994 Filed 10-30-90; 3:12 pm] BILLING CODE 3510-22-M

50 CFR Part 669

[Docket No. 900786-0263]

RIN 0648-AD47

Shallow-Water Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule.

SUMMARY: NOAA issues this final rule to implement Amendment 1 to the Fishery Management Plan for the Shallow-Water Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands (FMP). This rule (1) increases the minimum allowable mesh size used in fish traps to 2 inches (5.08 centimeters); (2) prohibits the harvest or possession of Nassau grouper; (3) closes an area of approximately 14 square nautical miles (48 km²) in the Exclusive Economic Zone (EEZ) southwest of St. Thomas, U.S. Virgin Islands, to fishing during the spawning season for red hind; and (4) prohibits the possession of dynamite or similar explosive substances on board vessels in the fishery. The intended effects of this rule are to rebuild the declining reef fish species and to enhance enforcement.

EFFECTIVE DATES: November 29, 1990, except that paragraph § 669.24(a)(1) is effective September 14, 1991.

FOR FURTHER INFORMATION CONTACT: William R. Turner, 813-893-3722.

SUPPLEMENTARY INFORMATION: The shallow-water reef fish fishery is managed under the FMP, prepared by the Caribbean Fishery Management Council (Council), and its implementing regulations at 50 CFR part 669, under authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

Amendment 1 to the FMP contains (1) additional management measures to rebuild declining reef fish species, (2) authorization for collection of socio-economic information, (3) definitions of overfishing and overfished, and (4) a revised habitat section. A notice of availability summarizing Amendment 1 was published in the Federal Register on June 21, 1990 (55 FR 25346). The additional management measures and the background and rationale for all the changes in Amendment 1, and an

additional change to the regulations proposed by NOAA, were discussed in the proposed rule (55 FR 28787, July 13, 1990) and are not repeated here.

Comments and Responses

Twenty-eight sets of comments were received on Amendment 1 during the public comment period, including a form letter signed by 24 members of a fishing organization and a member of the legislature of the U.S. Virgin Islands. A state fisheries research laboratory provided information on trap mesh size and an additional red hind spawning site.

Comment: All commenters supported the spawning season closure for red hind in the specified area off the U.S. Virgin Islands, and two indicated that similar areas also should be closed off Puerto Rico. A state fisheries scientist provided geographical information on such an area of Puerto Rico, and suggested that this area be closed by Amendment 1.

Response: NOAA agrees that closing spawning aggregation areas may be critical to sustaining the red hind resource. However, incorporating the recently defined spawning site off Puerto Rico into Amendment 1 would only serve to delay implementation of the management measures and cause a lapse in the closure off the U.S. Virgin Islands during the forthcoming spawning season. The Council may consider additional spawning area closures, including the area described off Puerto Rico, and make appropriate changes by regulatory amendment using the regulatory adjustment procedure contained in Amendment 1.

Comment: Twenty-six commenters objected to the establishment of two inches, in the smallest dimension, as the minimum mesh size for fish traps and believed that this management measure would increase escapement of certain slender-bodied species that have consumer value. One commenter indicated that regulation of gillnets and prohibiting the use of bait in fish traps should be substituted for this management measure. The others contended that only part (one side) of the traps needs to be constructed of 2-inch mesh to allow juvenile fish to escape, thus, reducing economic impacts associated with rewiring the entire trap. They stated that the life expectancy of coated wire traps is three to four years, and that many fishermen have already purchased replacement mesh for traps destroyed by hurricane Hugo.

Response: The current mesh size of 1 1/4 inches results in a large bycatch of juvenile reef fish in the trap fishery.

# Corrections

Federal Register

Vol. 55, No. 221

Thursday, November 15, 1990

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 646

[Docket No. 900795-0268]

RIN 0648-AC96

#### Snapper-Grouper Fishery of the South Atlantic

##### Correction

In rule document 90-25994 beginning on page 46213 in the issue of Friday, November 2, 1990, make the following correction:

On page 46214, in the first column, in the second amendatory instruction on

the first line, "paragraph (1)" should read "paragraph (l)".

BILLING CODE 1505-01-D

## DEPARTMENT OF THE INTERIOR

### Office of Hearings and Appeals

#### 43 CFR Part 4

RIN 1094-AA40

#### White Earth Reservation Land Settlement Act of 1985

##### Correction

In proposed rule document 90-25845 beginning on page 46530 in the issue of Monday, November 5, 1990, make the following corrections:

1. On page 46531, in the first column:

- a. In the paragraph labeled "*Section 4.350(a)*", in the 20th line "of" should read "on"; and
- b. In the ninth line from the bottom of the page "indicated" should read "dictated".

2. On the same page, in the third column:

- a. In the fifth line "other" was misspelled; and

b. In the 27th line from the bottom, "an" should read "and".

3. On page 46532:

- a. In the first column, in the 23rd line, "determination" was misspelled;
- b. In the same column, in the fourth line from the bottom, "had" should read "has", and in the third line from the bottom "process" was misspelled;
- c. In the second column, in the paragraph labeled "*Section 4.352(d)*", in the sixth line, "4.353(b)" should read "4.352(b)"; and
- d. In the third column, in the 12th line, "and, second" should read "and, second,".

4. On page 46533, in the first column, in the last paragraph, in the third line, "requiring" was misspelled.

#### § 4.350 [Corrected]

5. On page 46534, in the first column, in § 4.350(c)(2), in the first line "Broad" should read "Board" and in the second line "Appeals" was misspelled.

#### § 4.352 [Corrected]

6. On the same page, in the third column, in § 4.352(c), in the seventh line "request" should read "requests".

BILLING CODE 1505-01-D