

(D.C. Cir. 1996) cast the validity of the legislative veto into question, EPA has transmitted a copy of this regulation to the Secretary of the Senate and the Clerk of the House of Representatives. If action by Congress under either the CRA or CERCLA section 305 calls the effective date of this regulation into question, EPA will publish a document of clarification in the **Federal Register**.

**List of Subjects in 40 CFR Part 300**

Environmental protection, Air pollution control, Chemicals, Hazardous

substances, Hazardous waste, Intergovernmental relations, Natural resources, Oil pollution, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: February 7, 2005.

**Barry N. Breen**,

*Principal Deputy Assistant Administrator, Office of Solid Waste and Emergency Response.*

■ 40 CFR part 300 is amended as follows:

**PART 300—[AMENDED]**

■ 1. The authority citation for part 300 continues to read as follows:

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

■ 2. Table 2 of Appendix B to part 300 is amended by adding the following facility to read as follows:

**Appendix B to Part 300—National Priorities List**

TABLE 2.—FEDERAL FACILITIES SECTION

State	Site name	City/County	Notes(a)
PR	Atlantic Fleet Weapons Training Area—Vieques	Island of Vieques <sup>1</sup>	S

<sup>1</sup> Only the Vieques portions of the AFWTA are included in Appendix B to Part 300, the National Priorities List. The Culebra portions of the AFWTA (that were included in the NPL proposal AFWTA on August 13, 2004) are not included at this time due to ongoing negotiations between the Commonwealth of Puerto Rico and the Department of the Army.

*Notes:*

A = Based on issuance of health advisory by Agency for Toxic Substance and Disease Registry (if scored, HRS score need not be 28.50).

C = Sites on Construction Completion list.

S = State top priority (included among the 100 top priority sites regardless of score).

P = Sites with partial deletion(s).

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[FR Doc. 05–2711 Filed 2–10–05; 8:45 am]  
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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[DA 05–75; MB Docket No. 04–368, RM–11067; MB Docket No. 04–369, RM–11068]

**Radio Broadcasting Services; Alamogordo, New Mexico and Grayville, IL**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Audio Division, at the request of Linda A. Davidson, allots Channel 229A at Grayville, Illinois, as the community’s first local service. See 69 FR 60344, published October 8, 2004. Channel 229A can be allotted to Grayville in compliance with the Commission’s minimum distance separation requirements, provided there is a site restriction of 13.0 kilometers (8.1 miles) northwest of the community. The reference coordinates for Channel 229A at Grayville are 38–21–56 North Latitude and 88–03–38 West Longitude. The Audio Division, at the request of Daniel R. Feely, allots Channel 240C2 at Alamogordo, New Mexico, as the

community’s fifth local service. See 69 FR 60344, published October 8, 2004. Channel 240C2 can be allotted to Alamogordo in compliance with the Commission’s minimum distance separation requirements, provided there is a site restriction of 10.4 kilometers (6.5 miles) southeast of the community. The reference coordinates for Channel 240C2 at Alamogordo are 32–49–04 North Latitude and 105–54–19 West Longitude. Because the reference coordinates at Alamogordo are located within 320 kilometers (200 miles) of the Mexican border, concurrence of the Mexican Government has been obtained. Filing windows for Channel 229A at Grayville, Illinois and Channel 240C2 at Alamogordo, New Mexico will not be opened at this time. Instead, the issue of opening a filing window for these channels will be addressed by the Commission in a subsequent order.

**DATES:** Effective March 14, 2005.

**ADDRESSES:** Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Helen McLean, Media Bureau, (202) 418–2738.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission’s *Report and Order*, MB Docket Nos. 04–368 and 04–369, adopted January 26, 2005, and released January 28, 2005. The full text of this Commission decision is available

for inspection and copying during regular business hours at the FCC’s Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY–A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission’s duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or <http://www.BCPIWEB.com>. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

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

Radio, Radio broadcasting.

**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 Illinois, is amended by adding Grayville, Channel 229A.

■ 3. Section 73.202(b), the Table of FM Allotments under New Mexico, is amended by adding Channel 240C2 at Alamogordo.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 05-2685 Filed 2-10-05; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 041208344-4344-01; I.D. 012605A]

RIN 0648-AR59

#### Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fishery

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues final specifications for the 2005 Atlantic Deep-Sea Red Crab (red crab) fishery, which are the same as specifications for the 2004 fishery. The target total allowable catch (TAC) and fleet days at sea (DAS) for fishing year (FY) 2005 is 5.928 million lb (2.69 million kg) and 780 fleet DAS, respectively.

Accordingly, since one qualified limited access vessel has opted out of the fishery for FY2005, the four remaining vessels are each allocated 195 DAS. The intent of the specifications is to conserve and manage the red crab resource and provide for a sustainable fishery.

**DATES:** This rule is effective from March 1, 2005, through February 28, 2006.

**ADDRESSES:** Copies of supporting documents, including the Stock Assessment and Fishery Evaluation (SAFE) Report, Environmental Assessment (EA), and the Regulatory Impact Review (RIR) for the 2005 Red Crab Fishing Year are available from Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950. The SAFE Report/EA/RIR is also accessible via the Internet at <http://www.nero.nmfs.gov>.

**FOR FURTHER INFORMATION CONTACT:** E. Martin Jaffe, Fishery Policy Analyst, (978) 281-9272.

**SUPPLEMENTARY INFORMATION:** This final rule implements the final specifications for the FY2005 red crab fishery. Regulations implementing the Atlantic

Deep-Sea Red Crab Fishery Management Plan (FMP) require the New England Fishery Management Council (Council) to review annually the red crab specifications. The Council's Red Crab Plan Development Team (PDT) meets at least annually to review the status of the stock and the fishery. Based on this review, the PDT reports to the Council's Red Crab Committee any necessary adjustments to the management measures and recommendations for the specifications. Specifications may include the specification of optimum yield (OY), the setting of a target TAC, allocation of DAS, and/or adjustments to trip/possession limits. In developing the management measures and recommendations for the annual specifications, the PDT reviews the following data, if available: commercial catch data; current estimates of fishing mortality and catch-per-unit-effort; stock status; recent estimates of recruitment; virtual population analysis results and other estimates of stock size; sea sampling, port sampling, and survey data or, if sea sampling data are unavailable, length frequency information from port sampling and/or surveys; impact of other fisheries on the mortality of red crabs; and any other relevant information. Recommended specifications are presented to the Council for adoption and recommendation to NMFS.

#### Final 2005 Specifications

Based on available biological information, the Council has recommended that the maximum sustainable yield (MSY) and OY for FY2005 should remain the same as in FY2004. The FMP defines the target TAC as equal to OY, and OY is set at 95 percent of MSY, unless adjusted through the annual specifications process. The MSY for FY2005 is still estimated to be 6.24 million lb (2.83 million kg); therefore, absent any new information on which to base a change in OY, OY and the target TAC remain 5.928 million lb (2.69 million kg).

According to the DAS database, four of the five vessels that received a limited access permit in FY2003 used a total of 571 days; 73 percent of the full 780 DAS that were allocated (the fifth vessel did not fish in FY2003). That amount of fishing effort resulted in 4.09 million lb (1.86 million kg) of red crab landed by the limited access fleet.

The fleet was allocated 780 DAS for FY2004 and, because one of the limited access vessels had opted out of the fishery, this translated into 195 DAS for each of the four participating limited access vessels. FY2004 began on March 1, 2004, and, as of January 1, 2005, the

participating limited access vessels had used 592 DAS and landed 3.32 million lb (1.51 million kg) of red crab.

There seems to be some seasonal variability in fishing activity, but data collection under the FMP has not been implemented long enough to evaluate seasonal trends accurately at this time. As of January 1, 2005, all four of the vessels with limited access permits that did not declare out of the fishery had DAS remaining for FY2004.

In addition to the vessels with limited access permits, there are about 1,234 vessels with open access incidental take red crab permits. These open access incidental take permits allow a vessel to land up to 500 lb (226.8 kg) of whole red crab per trip. According to the Vessel Trip Report database, only two vessels with incidental red crab permits reported any red crab landings and both were very small amounts.

While limited data from the observer database and monkfish industry-based surveys indicate that red crab bycatch occurs in the groundfish and monkfish fisheries, there is not sufficient information to date to determine the level of bycatch of red crabs.

Based on the Council's analysis in its 2005 Red Crab SAFE Report/EA/RIR, the Council recommended that the current FY2004 specifications be maintained for FY2005. NMFS concurs that the Council's recommended specifications meet the objectives of the FMP and, therefore, the following specifications are maintained for FY2005:

*Target TAC:* 5.928 million lb (2.69 million kg)

*Fleet DAS:* 780 (since one vessel has opted out of the fishery for FY2005, the remaining four vessels would receive 195 DAS each)

#### Classification

This action is exempt from review under Executive Order 12866.

A description of the legal basis and reasons for the action, and its objectives, can be found in the preamble and are not repeated here. This action does not contain any new collection-of-information, reporting, or recordkeeping requirements. It would not duplicate, overlap, or conflict with any other Federal rules.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive proposed rulemaking and its concomitant prior notice and opportunity for public comment on this action. This action continues specifications already in place in § 648.260(a)(1) (setting the TAC), § 648.262(b)(2) (setting the DAS), and in 67 FR 63222 (setting the DAS reallocation). These specifications,