

**ACTION:** Final rule.

**SUMMARY:** Action in this proceeding allots UHF Television Channel 46 to Antigo, Wisconsin, in response to a petition filed by Robert J. Cox d/b/a Native American Television. The coordinates for Channel 46 at Antigo are 45-08-54 and 89-09-00. Canadian concurrence has been obtained for this allotment.

**EFFECTIVE DATE:** August 12, 1996.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Report and Order*, MM Docket No. 96-30, adopted June 21, 1996, and released June 28, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's 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 contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857-3800.

List of Subjects in 47 CFR Part 73  
Television 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:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

#### **§ 73.606 [Amended]**

2. Section 73.606(b), the Table of TV Allotments under Wisconsin, is amended by adding Antigo, Channel 46. Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96-16953 Filed 7-2-96; 8:45 am]

BILLING CODE 6712-01-F

## **DEPARTMENT OF TRANSPORTATION**

### **Office of the Secretary**

#### **49 CFR Part 1**

[OST Docket No. 1; Amdt. 1-277]

### **Organization and Delegation of Powers and Duties; Delegation to the Commandant, United States Coast Guard**

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Secretary of Transportation has delegated to the Commandant, United States Coast Guard, the authority contained in 14 U.S.C. 326 to remove an officer from active duty, and the authority in 14 U.S.C. 256(b), to establish the promotion zone for rear admiral (lower half). The *Code of Federal Regulations* does not reflect these delegations; therefore, a change is necessary.

**EFFECTIVE DATE:** July 3, 1996.

**FOR FURTHER INFORMATION CONTACT:** LCDR Michael Lehocky, Human Resources Directorate, (202) 267-1664, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593; LCDR Vincent DeLaurentis, Coast Guard Personnel Command, (202) 267-2883, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593; or Ronald Gordon, Executive Secretariat, (202) 366-9761, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:** Section 256(b) of Title 14, U.S. Code contains the Secretary's authority to establish the promotion zone for rear admirals. On September 16, 1986, then Secretary Elizabeth Dole delegated to the Commandant, United States Coast Guard, the Secretary's authority under 14 U.S.C. 256(b) to establish the promotion zone for rear admiral (lower half) provided that all captains eligible for consideration under the provisions of section 257(a)(5), Title 14, U.S. Code are placed in the zone. The necessary changes to the Code of Federal Regulations were never completed, however, and the current CFR sections relating to delegations still show this authority reserved to the Secretary of Transportation. (See 49 CFR 1.44(m)(3)).

Title 14, U.S. Code, sections 321, 322, and 323 provide a three-board (Determination Board, Board of Inquiry, and Board of Review) process to consider the record of a Coast Guard officer whose performance is substandard or whose record shows moral or professional dereliction. If the

third board, the Board of Review, recommends separation of the officer, 14 U.S.C. 326 requires that recommendation to be forwarded to the Secretary for final action. On January 6, 1987, then Secretary Elizabeth Dole delegated the Secretary's authority under 14 U.S.C. 326 to the Commandant of the Coast Guard. The necessary changes to the Code of Federal Regulations were never completed, however, and the current CFR sections relating to delegations still show this authority reserved to the Secretary of Transportation. (See 49 CFR 1.44(m)(4)).

This rule removes the reservations of authority in section 1.44 and adds specific delegations of authority to 49 CFR 1.46, thus amending the codification to correctly reflect secretarial delegations of authority to the Commandant of the Coast Guard.

Since this amendment relates to departmental management, organization, procedure, and practice, notice and comment on it are unnecessary and it may be made effective in fewer than 30 days after publication in the Federal Register. Therefore, this final rule is effective upon publication in the Federal Register.

#### **List of Subjects in 49 CFR Part 1**

Authority delegations (Government agencies), Organization and functions (Government agencies).

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended to read as follows:

#### **PART 1—[AMENDED]**

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

Authority: 49 U.S.C. 322; Pub.L. 101-552, 28 U.S.C. 2672, 31 U.S.C. 3711(a)(2).

#### **§ 1.44 [Amended]**

2. Sections 1.44(m)(3) and 1.44(m)(4) are removed and reserved.

#### **§ 1.46 [Amended]**

3. Section 1.46 is amended by adding new paragraphs (aaa) and (bbb) to read as follows:

#### **§ 1.46 Delegations to Commandant of the Coast Guard.**

\* \* \* \* \*

(aaa) Establish the promotion zone for rear admiral (lower half), provided all captains eligible for consideration under the provisions of section 257(a)(5), Title 14, U.S. Code, are placed in the zone.

(bbb) Remove an officer from active duty under section 326, Title 14, U.S. Code.

Issued at Washington, DC, this 21st day of June 1996.

Federico F. Peña,

*Secretary of Transportation.*

[FR Doc. 96-16935 Filed 7-2-96; 8:45 am]

BILLING CODE 4910-62-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 630

[Docket No. 960314073-6145-02; I.D. 030896E]

RIN 0648-A123

#### Atlantic Swordfish Fishery; Correction

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

**ACTION:** Correction to final regulation.

**SUMMARY:** This document contains a correction to the final regulation (I.D. 030896E) that was published Friday, May 31, 1996, (61 FR 27304). The final rule amended the regulations governing the Atlantic swordfish fishery by setting the 1996 quotas, and adjusting the minimum size.

**EFFECTIVE DATE:** July 3, 1996.

**FOR FURTHER INFORMATION CONTACT:** Ronald G. Rinaldo or Rebecca Lent, 301-713-2347; fax: 301-713-0596.

#### SUPPLEMENTARY INFORMATION:

##### Background

The final regulation that is the subject of this correction establishes, within the 1996 quota, the amount of set aside for the harpoon segment of the fishery. In § 630.25, the first sentence of paragraph (b) was revised to establish a 21,500 lb (9,752 kg) dressed weight set aside for the harpoon segment of the fishery during the June 1 through November 30 semiannual period.

##### Need for Correction

As published, the final regulation contains an error. In § 630.25, the second sentence of paragraph (b) is referenced instead of the first sentence of paragraph (b).

##### Correction of Publication

Accordingly, the publication on May 31, 1996, of the final regulation (I.D.

030896E) that is the subject of FR Doc. 96-13690 is corrected as follows:

#### § 630.25 [Corrected]

On page 27308, in the first column, in amendatory instruction seven, "second" is corrected to read "first".

Dated: June 25, 1996.

Nancy Foster,

*Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.*

[FR Doc. 96-17053 Filed 7-2-96; 8:45 am]

BILLING CODE 3510-22-F

#### 50 CFR Part 697

[Docket No. 950605148-6180-03; I.D. 061296A]

RIN 0648-AH58

#### Atlantic Weakfish Fisheries; Exclusive Economic Zone (EEZ) Moratorium Rule Suspension

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

**ACTION:** Final rule.

**SUMMARY:** On February 16, 1996, the U.S. District Court for the Eastern District of Virginia, Norfolk Division, vacated the Federal regulations for Atlantic Coast weakfish in the EEZ. NMFS has not enforced the regulations since the court issued its order. In accordance with the court's order, NMFS is suspending the regulations on fishing for weakfish in the EEZ. The suspension will remain in effect until other regulations for weakfish are implemented.

**EFFECTIVE DATE:** July 2, 1996.

**FOR FURTHER INFORMATION CONTACT:** Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, NMFS, 301-713-2334.

**SUPPLEMENTARY INFORMATION:** NMFS implemented a final rule to impose a moratorium on fishing for weakfish in the EEZ (60 FR 58246, November 27, 1995). The regulations were subsequently revised (61 FR 29321, June 10, 1996) although they are not currently enforced. The rule was implemented to support conservation efforts developed through the Atlantic States Marine Fisheries Commission's (Commission) Fishery Management Plan for Weakfish (FMP).

On February 16, 1996, the U.S. District Court for the Eastern District of Virginia, Norfolk Division, ordered that the final rule "is vacated and the Secretary of Commerce and his designees are hereby enjoined from enforcing the Atlantic Coast Weakfish Moratorium in the Exclusive Economic Zone, promulgated at 60 FR 58245 (Nov. 27, 1995)."

Upon the court's ruling, fishermen were immediately allowed to fish for weakfish in the EEZ. Accordingly, NMFS is suspending the Federal regulations that imposed the moratorium. The suspension will remain in effect until replaced by other regulations. NMFS is currently assessing recent actions by the Commission and will proceed with rulemaking if appropriate.

#### Classification

This action has been determined to be not significant for purposes of E.O. 12866.

Because this rule implements a February 16, 1996, court order to vacate Federal regulations (60 FR 58246, November 27, 1995) that imposed a moratorium on fishing for Atlantic Coast weakfish in the EEZ, the Assistant Administrator for Fisheries (AA/F) for good cause, under 5 U.S.C. (b)(B), waives the requirement to provide prior notice and an opportunity for public comment, as such procedures are unnecessary. Similarly, the AA/F, finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in the effective date.

#### List of Subjects in 50 CFR Part 697

Fisheries, Fishing.

Dated: June 27, 1996.

Gary Matlock,

*Program Management Officer, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 697 is amended as follows:

#### PART 697—ATLANTIC COASTAL FISHERIES COOPERATIVE MANAGEMENT

1. The authority citation for part 697 continues to read as follows:

Authority: 16 U.S.C. 5101 *et seq.*

2. In § 697.6, paragraph (a) is suspended.

[FR Doc. 96-17050 Filed 7-2-96; 8:45 am]

BILLING CODE 3510-22-F