

applicants within the 5850–5925 MHz band for On-Board Units (OBUs):¹

Channel no.	Channel use	Frequency range (MHz)
170	Reserved	5850–5855
172	Service Channel	5855–5865
174	Service Channel	5865–5875
175	Service Channel ²	5865–5885
176	Service Channel	5875–5885
178	Control channel ..	5885–5895
180	Service Channel	5895–5905
181	Service Channel ²	5895–5915
182	Service Channel	5905–5915
184	Service Channel	5915–5925

²Channel Nos. 174/176 may be combined to create a twenty megahertz channel, designated Channel No. 175. Channels 180/182 may be combined to create a twenty-megahertz channel, designated Channel No. 181.

(b) Except as provided in paragraph (c) of this section, non-reserve DSRCS channels are available on a shared basis only for use in accordance with the Commission's Rules. All licensees shall cooperate in the selection and use of channels in order to reduce interference. This includes monitoring for communications in progress and any other measures as may be necessary to minimize interference. Licensees suffering or causing harmful interference within a communications zone are expected to cooperate and resolve this problem by mutually satisfactory arrangements. If the licensees are unable to do so, the Commission may impose restrictions including specifying the transmitter power, antenna height and direction, additional filtering, or area or hours of operation of the stations concerned. Further the use of any channel at a given geographical location may be denied when, in the judgment of the Commission, its use at that location is not in the public interest; the use of any channel may be restricted as to specified geographical areas, maximum power, or such other operating conditions, contained in this part or in the station authorization.

(c) *Safety/public safety priority.* The following access priority governs all DSRCS operations:

(1) Communications involving the safety of life have access priority over all other DSRCS communications;

(2) Subject to a Control Channel priority system management strategy (see ASTM E2213–03 DSRC Standard at § 4.1.1.2(4)) DSRCS communications involving public safety have access priority over all other DSRC communications not listed in paragraph (c)(1) of this section. On-Board Units

(OBUs) operated by state or local governmental entities are presumptively engaged in public safety priority communications.

(d) *Non-priority communications.* DSRCS communications not listed in paragraph (c) of this section are non-priority communications. If a dispute arises concerning non-priority DSRCS–OBU communications with Roadside Units (RSUs), the provisions of §§ 90.377(e) and (f) of this chapter will apply. Disputes concerning non-priority DSRCS–OBU communications not associated with RSUs are governed by paragraph (b) of this section.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04–2131; MB Docket No. 04–79, RM–10873, RM–10874; MB Docket No. 04–83, RM–10878; MB Docket No. 04–85, RM–10880, RM–10881; MB Docket No. 04–86, RM–10882, RM–10883, RM–10884, RM–10885; MB Docket No. 04–87, RM–10886; MB Docket No. 04–88, RM–10887; MB Docket No. 04–89, RM–10888; MB Docket No. 04–90, RM–10889; MB Docket No. 04–91, RM–10890, RM–10891; MB Docket No. 04–92, RM–10892, RM–10893; MB Docket No. 04–93, RM–10894; MB Docket No. 04–94, RM–10895; MB Docket No. 04–95, RM–10896]

Radio Broadcasting Services; Anniston, AL, Asbury, IA, Horseshoe Beach, FL, Keosauqua, IA, Live Oak, FL, Menville, IA, Olathe, CO, Rudd, IA, Somerton, AZ, Sutter Creek, CA, Weiser, ID, Westley, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Audio Division grants thirteen reservation proposals requesting to amend the FM Table of Allotments by reserving certain vacant FM allotments for noncommercial educational use in Anniston, Alabama, Asbury, Iowa, Horseshoe Beach, Florida, Keosauqua, Iowa, Live Oak, Florida, Menville, Iowa, Olathe, Colorado, Rudd, Iowa, Somerton, Arizona, Sutter Creek, California, Weiser, Idaho, Westley, California. See 69 FR 18860, published April 9, 2004. At the request of American Family Association, the Audio Division grants a petition requesting to reserve vacant Channel 261C3 at Anniston, Alabama for noncommercial educational use. The reference coordinates for Channel *261C3 at Anniston are 33–40–51 North

Latitude and 85–48–56 West Longitude. At the request of Radio Bilingue, Inc., the Audio Division grants a petition requesting to reserve vacant Channel 260C3 at Somerton, Arizona for noncommercial educational use. The reference coordinates for Channel *260C3 at Somerton are 32–35–0 North Latitude and 114–35–5 West Longitude. At the request of American Family Association and Calvary Chapel of Amador County, the Audio Division grants petitions requesting to reserve vacant Channel 298A at Sutter Creek, California for noncommercial educational use. The reference coordinates for Channel *298A at Sutter Creek are 38–23–30 North Latitude and 120–48–06 West Longitude. See **SUPPLEMENTARY INFORMATION, *infra*.**

DATES: Effective September 7, 2004.

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

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MB Docket Nos. 04–79, 04–83, 04–85, 04–86, 04–87, 04–88, 04–89, 04–90, 04–91, 04–92, 04–93, 04–94, and 04–95 adopted July 14, 2004 and released July 20, 2004. 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 via e-mail <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 General Accounting Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

At the request of American Family Association, Radio Bilingue, Inc., and Starboard Media Foundation, Inc., the Audio Division grants petitions requesting to reserve vacant Channel 238A at Westley, California for noncommercial educational use. The reference coordinates for Channel *238A at Westley are 37–28–13 North Latitude and 121–11–14 West Longitude. At the request of Calvary Chapel of Montrose, the Audio Division grants a petition to reserve vacant Channel 270C2 at Olathe, Colorado for noncommercial educational use. The reference coordinates for Channel

¹ The maximum output power for portable DSRCS–OBUs is 1.0 mW. See § 95.639(i).

*270C2 at Olathe are 38–36–18 North Latitude and 107–58–54 West Longitude. At the request of Calvary Chapel of Montrose, the Audio Division grants a petition requesting to reserve vacant Channel 293C at Olathe, Colorado for noncommercial educational use. The reference coordinates for Channel *293C at Olathe are 38–37–3 North Latitude and 107–58–33 West Longitude. At the request of Living Proof, Inc., the Audio Division grants a petition requesting to reserve vacant Channel 234C3 at Horseshoe Beach, Florida for noncommercial educational use. The reference coordinates for Channel *234C3 at Horseshoe Beach are 29–26–28 North Latitude and 83–17–15 West Longitude. At the request of Starboard Media Foundation, Inc., the Audio Division grants a petition requesting to reserve vacant Channel 259A at Live Oak, Florida for noncommercial educational use. The reference coordinates for Channel *259A at Live Oak are 30–13–12 North Latitude and 82–54–0 West Longitude. At the request of American Family Association and Starboard Media Foundation, Inc., the Audio Division grants petitions requesting to reserve vacant Channel 238A at Asbury, Iowa for noncommercial educational use. The reference coordinates for Channel *238A at Asbury are 42–30–18 North Latitude and 90–40–46 West Longitude. At the request of University of Iowa and Starboard Media Foundation, Inc., the Audio Division grants petitions requesting to reserve vacant Channel 271C3 at Keosauqua, Iowa for noncommercial educational use. The reference coordinates for Channel *271C3 at Keosauqua are 40–43–48 North Latitude and 91–57–48 West Longitude. At the request of Starboard Media Foundation, Inc., the Audio Division grants a petition requesting to reserve vacant Channel 246A at Merville, Iowa for noncommercial educational use. The reference coordinates for Channel *246A at Merville are 42–29–11 North Latitude and 96–0–36 West Longitude. At the request of American Family Association, the Audio Division grants a petition requesting to reserve vacant Channel 268A at Rudd, Iowa for noncommercial educational use. The reference coordinates for Channel *268A at Rudd are 43–7–34 North Latitude and 92–54–20 West Longitude. At the request of Boise Community Radio Project, Inc., the Audio Division grants a petition requesting to reserve vacant Channel 280C1 at Weiser, Idaho for noncommercial educational use. The reference coordinates for Channel

*280C1 at Weiser are 44–20–39 North Latitude and 117–7–14 West Longitude.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR Part 73 as follows:

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 Alabama, is amended by adding Channel *261C3 and by removing Channel 261C3 at Anniston.

■ 3. Section 73.202(b), the Table of FM Allotments under Arizona, is amended by adding Channel *260C3 and by removing Channel 260C3 at Somerton.

■ 4. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Channel *298A and by removing Channel 298A at Sutter Creek; and by adding Channel *238A and by removing Channel 238A at Westley.

■ 5. Section 73.202(b), the Table of FM Allotments under Colorado, is amended by adding Channel *270C2 and by removing Channel 270C2 at Olathe; and by adding Channel *293C and by removing Channel 293C at Olathe.

■ 6. Section 73.202(b), the Table of FM Allotments under Florida, is amended by adding Channel *234C3 and by removing Channel 234C3 at Horseshoe Beach; and by adding Channel *259A and by removing Channel 259A at Live Oak.

■ 7. Section 73.202(b), the Table of FM Allotments under Idaho, is amended by adding Channel *280C1 and by removing Channel 280C1 at Weiser.

■ 8. Section 73.202(b), the Table of FM Allotments under Iowa, is amended by adding Channel *238A and by removing Channel 238A at Asbury; by adding Channel *271C3 and by removing Channel 271C3 at Keosauqua; by adding Channel *246A and by removing Channel 246A at Merville; and by adding Channel *268A and by removing Channel 268A at Rudd.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 04–17545 Filed 8–2–04; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 040726215–4215–01; I.D. 071604D]

[RIN 0648–AS48]

Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Pacific Whiting; Routine Management Measure; Closure Authority

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

ACTION: Emergency rule; request for comments.

SUMMARY: This emergency rule establishes routine management measure authority, under the Pacific Coast Groundfish Fishery Management Plan (Pacific Coast Groundfish FMP), to close the Pacific whiting (whiting) primary season fisheries by sector before the sector's whiting allocation is reached in order to minimize impacts on overfished species. This action is necessary to establish a mechanism that can be used to quickly close the commercial whiting primary season fisheries if NMFS estimates that the incidental catch of an overfished species is too high.

DATES: This rule is effective August 3, 2004, through January 31, 2005. Comments must be received no later than 5 p.m., local time on September 2, 2004. Copies of the Record of Decision (ROD), final regulatory flexibility analysis (FRFA), and the Small Entity Compliance Guide for the annual harvest specifications for 2004 are available from D. Robert Lohn, Administrator, Northwest Region (Regional Administrator), NMFS, 7600 Sand Point Way, NE, Seattle, WA 98115–0070.

ADDRESSES: You may submit comments on this emergency rule by I.D. 071604D, by any of the following methods:

- E-mail:

WhitingRoutineClosure.nwr@noaa.gov. Include the I.D. number in the subject line of the message.

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

- Mail: D. Robert Lohn, Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115–0070, Attn: Becky Renko.