

waivers from the requirement to file notice in specified frequency bands.

On December 23, 2003, the CVCC wrote to Marion C. Blakey, FAA Administrator, and forwarded a Voluntary Best Practices Agreement Regarding the Potential for Electromagnetic Interference Upon FAA Facilities (Best Practices Agreement (BPA)). The BPA outlined a proposed solution to the frequency-only notice requirement. Under the BPA, the CVCC proposed that its members not be required to provide notification to the FAA when only adding certain specific frequencies to a structure located beyond one nautical-mile radius from any existing FAA facility. Also, the BPA stated that the CVCC would work closely with the FAA in mitigating any EMI resulting from these frequencies that could compromise safe flight.

Research from prior FAA case studies of co-located antenna systems and engineering evaluations showed minimal EMI effects on FAA facilities from wireless services propagating on several frequency bands. The few cases where EMI existed and was determined to be hazardous to flight safety were during extensive equipment failures from the wireless service provider, and not from the equipment when operating within normal specifications.

Comments

On February 3, 2004, the FAA published a Notice of availability and request for comments on the CVCC letter dated December 23, 2003, and the accompanying Best Practices Agreement (69 FR 5101). The FAA did not receive any comments or additional information within the comment period.

Policy Change

The FAA recognizes the telecommunications industry's need and commitment to provide wireless services to the public. Also, the FAA recognizes that it is essential for these companies to speed up their time frame for build-out and deployment of their networks. However, the FAA's first commitment is to aviation safety. Thus, the FAA finds that it can amend its policy to accommodate certain issues raised by the CVCC's Best Practices Agreement. Notwithstanding this new policy, the requirements under 14 CFR part 77 about notice to the FAA of proposed construction or alteration of man-made structures under existing FAA policy and regulations are not altered or modified. If the addition of frequencies, under this policy, to a previously studied structure increases the height of that structure, notice must be filed with the FAA under 14 CFR

77.13. Physical structures located on or near public use landing facilities raise concerns about possible obstruction to aircraft, and the FAA will handle these issues pursuant to current regulations and procedures.

Under the new policy, a proponent will not be required to file notice with the FAA for an aeronautical study to add frequencies to an existing structure that has a current No Hazard Determination on file with the FAA. If an additional antenna system must be used to add frequencies, the antenna system must not be located on Federal or Public Use Landing Facilities property. Also, the antenna system must not be co-located or mounted on an FAA antenna structure without prior coordination with the FAA's Office of Spectrum Policy and Management.

This policy only applies to antenna systems operating on the following frequencies and service types, as dictated by various parts of 47 CFR,

- 806—821 MHz and 851—866 MHz (Industrial/Business/Specialized Mobile Radio Pool—Part 90)
- 821—824 MHz and 866—869 MHz (Public Safety Mobile Radio Pool “Part 90)
- 816—820 MHz and 861—865 MHz (Basic Exchange Telephone Radio—Parts 1 and 22)
- 824—849 MHz and 869—894 MHz (Cellular Radiotelephone—Parts 1 and 22)
- 849—851 MHz and 894—896 MHz (Air-Ground Radiotelephone—Parts 1 and 22)
- 896—901 MHz and 935—940 MHz (900 MHz SMR—Part 90)
- 901—902 MHz and 930—931 MHz (Narrowband PCS—Part 24)
- 929—930 MHz, 931—932 MHz, and 940—941 MHz (Paging—Parts 1, 22, and 90)
- 1850—1990 MHz (Broadband PCS—Part 24, Point-to-Point Microwave—Part 101)
- 2305—2320 MHz and 2345—2360 MHz (Wireless Communications Service (WCS—Part 27);

In addition, the following conditions also apply: (1) The proponent must provide the FAA Regional Spectrum Offices with an electronic copy of its antenna system location databases quarterly or as specified in a Letter of Agreement with the FAA Regional Spectrum Offices. (2) If an antenna system, operating in the designated frequency bands, causes EMI to one or more FAA facilities, the FAA will contact the proponent. The proponent must mitigate the EMI in a timely manner, as recommended by the FAA in each particular case. Depending on the severity of the interference, the

proponent must eliminate harmful EMI either by adjusting operating parameters (for example, employing extra filtering or reducing effective radiated power), or by ceasing transmissions, as may be required by the FCC and the FAA. Failure to provide successful EMI mitigation techniques will result in referral to the FCC's Enforcement Bureau for possible enforcement action. (3) This policy only applies to current technologies and modulation techniques (analog, TDMA, GSM, etc.) existing in the wireless radiotelephone environment on the date of issuance of this policy. Any future technologies placed into commercial service by wireless service providers, although operating on the frequencies mentioned above, must either coordinate the new technology with the FAA's Office of Spectrum Policy and Management or must provide notification to the FAA under 14 CFR part 77 procedures.

The FAA will revise the conditional language in future cases involving Determinations of No Hazard to reflect this policy. Furthermore, this policy applies retroactively to any structure for which the FAA has issued a Determination of No Hazard.

Issued in Washington, DC, on April 21, 2004.

Marion C. Blakey,
Administrator.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD08–04–016]

RIN 1625–AA09

Drawbridge Operating Regulation; Illinois Waterway, Joliet, IL

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District has issued a temporary deviation from the regulation governing the operation of the Jefferson Street Bridge, mile 287.9, and Cass Street Bridge, mile 288.1, across the Illinois Waterway at Joliet, Illinois. This deviation allows the drawbridges to remain closed to navigation for three hours from 8:30 a.m. to 11:30 a.m. on May 15, 2004 Central Standard Time. The deviation is necessary to facilitate maintenance work on the bridges that is

essential to the continued safe operation of the drawbridges.

DATES: This temporary deviation is effective from 8:30 a.m. to 11:30 a.m. on May 15, 2004.

ADDRESSES: Materials referred to in this rule are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Commander (obr), Eighth Coast Guard District, 1222 Spruce Street, St. Louis, MO 63103-2832, between 8 a.m. and 4 p.m., Monday through Friday, except federal holidays. The Bridge Administration Branch maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT: Roger K. Wiebusch, Bridge Administrator, Commander (obr), Eighth Coast Guard District, 1222 Spruce Street, St. Louis, MO 63103-2832, (314) 539-3900, extension 2378.

SUPPLEMENTARY INFORMATION: The Illinois Department of Transportation requested a temporary deviation on March 25, 2004 for the operation of the drawbridges to allow the bridge owner time for preventative maintenance. Presently, the draws open on signal for passage of river traffic. This deviation allows the bridges to remain closed to navigation for three hours from 8:30 a.m. to 11:30 a.m. on May 15, 2004. Vessels not exceeding the vertical clearance of the drawbridge may pass under the drawbridges during the maintenance. There are no alternate routes for vessels transiting through mile 287.9 and mile 288.1 on the Illinois Waterway. The drawbridges will be able to open for emergencies during the three-hour maintenance period.

The Jefferson Street Bridge, mile 287.9 and Cass Street Bridge, mile 288.1 provide a vertical clearance of 16.6 feet above normal pool in the closed to navigation position. Navigation on the waterway consists primarily of commercial tows and recreational watercraft. In order to inspect the entire steel deck for fractures, the bridges must be kept inoperative and in the closed to navigation position. This deviation has been coordinated with waterway users. No objections were received.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridges to normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: April 16, 2004.

Roger K. Wiebusch,

Bridge Administrator.

[FR Doc. 04-9483 Filed 4-26-04; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

Radio Broadcast Services

CFR Correction

In Title 47 of the Code of Federal Regulations, parts 70 to 79, revised as of Oct. 1, 2003, § 73.202(b), the Table of FM Allotments is corrected as follows:

1. Under Alaska by adding Channel 231C2 at Sterling;
2. Under Florida by adding Channel 261A at Cedar Key; and
3. Under Illinois by adding an entry for St. Anne, Channel 293A.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 040311088-4119-02; I.D. 030104A]

RIN 0648-AQ81

Fisheries of the Northeastern United States; Spiny Dogfish Fishery

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

ACTION: Final 2004-2005 specifications for the spiny dogfish fishery.

SUMMARY: NMFS announces final specifications for the 2004-2005 spiny dogfish fishery. These measures are specified to rebuild the spiny dogfish resource. The intent of this action is to specify the commercial quota for the spiny dogfish fishery to achieve the annual target fishing mortality rate (F) specified in the Spiny Dogfish Fishery Management Plan (FMP) in order to prevent overfishing of this resource.

DATES: Effective May 27, 2004, through April 30, 2005.

ADDRESSES: Copies of supporting documents used by the Joint Spiny Dogfish Committee and the Spiny Dogfish Monitoring Committee (Monitoring Committee); the

Environmental Assessment, Regulatory Impact Review, Initial Regulatory Flexibility Analysis (EA/RIR/IRFA); and the Essential Fish Habitat Assessment (EFHA) are available from Daniel Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Federal Building, Room 2115, 300 South Street, Dover, DE 19904. The EA, RIR, IRFA and EFHA are accessible via the Internet at <http://www.nero.nmfs.gov/ro/doc/nero.html>.

FOR FURTHER INFORMATION CONTACT: Eric Jay Dolin, Fishery Policy Analyst, (978) 281-9259, fax (978) 281-9135, e-mail eric.dolin@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

The regulations implementing the Spiny Dogfish FMP at 50 CFR part 648, subpart L, outline the process for specifying annually the commercial quota and other management measures (e.g., minimum or maximum fish sizes, seasons, mesh size restrictions, possession limits, and other gear restrictions) for the spiny dogfish fishery to achieve the annual target fishing mortality rate (F) specified in the FMP. The target F for the 2004-2005 fishing year is not to exceed 0.08.

Proposed 2004-2005 specifications were published on March 18, 2004 (69 FR 12826). Public comments were accepted through April 2, 2004. A full discussion of the process undertaken to develop the annual specifications was provided in the proposed rule and is not repeated here. The final specifications are unchanged from those that were proposed.

Specifications for the 2004 Fishing Year

The commercial spiny dogfish quota of 4 million lb (1.81 million kg) for the 2004-2005 fishing year will be divided into two semi-annual periods as follows: 2,316,000 lb (1,050,512 kg) for quota period 1 (May 1, 2004 - Oct. 31, 2004); and 1,684,000 lb (763,849 kg) for quota period 2 (Nov. 1, 2004 - April 30, 2005). The possession limits will be 600 lb (272 kg) for quota period 1, and 300 lb (136 kg) for quota period 2.

Comments and Responses

Three sets of comments were received from the public. Most of the issues raised in the comments are not germane to the spiny dogfish fishery, and instead focus on broader concerns about fishery management in the United States. The two specific comments that address the spiny dogfish fishery are discussed below.

Comment 1: One commenter wondered if implementing a directed