

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 96-175, adopted August 23, 1996, and released August 30, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC'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 Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Channel 272A was allotted to Strasburg, Colorado, in MM Docket No. 89-61. See *Report and Order*, 4 FCC Rcd 7570 (1989), 54 FR 45735, October 31, 1989. However, Channel 272A at Strasburg, Colorado, does not appear in 47 CFR 73.202(b), the Table of Allotments. Therefore, as announced in the *Notice* in this proceeding, we will make an editorial amendment to the FM Table of Allotments to include Channel 272A at Strasburg, Colorado, at the conclusion of the instant rule making proceeding.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96-22842 Filed 9-6-96; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 96-53; RM-8767]

Radio Broadcasting Services; Marinette, WI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal.

SUMMARY: This document dismisses a *Notice of Proposed Rule Making* issued

in response to a petition filed by Douglas A. Maszka d/b/a Tri-City Television Company requesting the allotment of Channel 25 to Marinette, Wisconsin. See 61 FR 14043, March 29, 1996. On August 7, 1996, Tri-City filed comments withdrawing its interest in the allotment at Marinette. As stated in the *Notice*, a showing of continuing interest is required before a channel will be allotted, and absent such an expression of interest, it is the Commission's policy to refrain from allotting a channel. Due to a lack of interest in Channel 25 at Marinette, we shall dismiss the proposal. With this action, this proceeding is terminated.

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. 96-53, adopted August 23, 1996, and released August 30, 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

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96-22844 Filed 9-6-96; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 090396C]

New England Fishery Management Council; Meeting

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

ACTION: Public meeting.

SUMMARY: The New England Fishery Management Council (Council) will hold a special 1-day meeting to consider

actions affecting New England fisheries in the exclusive economic zone.

DATES: The meeting is scheduled for Monday, September 9, 1996, at 9 a.m.

ADDRESSES: The meeting will be held at the Holiday Inn, One Newbury Street, Peabody, MA; telephone (508) 535-4600. Requests for special accommodations should be addressed to the New England Fishery Management Council, 5 Broadway, Saugus, MA 01906-1097; telephone: (617) 231-0422.

FOR FURTHER INFORMATION CONTACT:

Christopher B. Kellogg, Acting Executive Director, New England Fishery Management Council (617) 231-0422.

SUPPLEMENTARY INFORMATION: The September 9, 1996, meeting is being convened specifically to consider final action on several pending framework adjustments to the Northeast Multispecies Fishery Management Plan (FMP).

The Council will consider final action on Framework Adjustments 18 and 19 to the FMP under the framework for abbreviated rulemaking procedure contained in 50 CFR 648.90. If approved, Framework Adjustment 18 would allow herring and mackerel fishing with pelagic mid-water trawls in areas of Georges Bank now closed to all gear capable of catching groundfish. Framework Adjustment 19, would replace the Gulf of Maine area closures now in place to enhance groundfish conservation with alternatives that may alleviate some of the economic burden to fishermen without compromising the objectives of the FMP.

The Council considers public comments at a minimum of two Council meetings prior to making final recommendations to the Director, Northeast Region, NMFS, (Regional Director) under the provisions for abbreviated rulemaking, cited above. If the Regional Director concurs with the measures proposed by the Council, he will publish them as a final rule in the Federal Register.

There will be a discussion of an experimental fishery to assess the selectivity of longline gear. The Regional Director is considering an experimental fishery for a vessel involved in a Saltonstall/Kennedy Grant awarded to the New England Aquarium and entitled "Selectivity and Survival of Atlantic Cod (*Gadus morhua*) and Haddock (*Melanogrammus aeglefinus*) in a Northwest Atlantic Longline Fishery." The Massachusetts Division of Marine Fisheries (MADMF) is assisting in the project and would assist in the completion of the experimental fishery. The objective of the project is to assess

the selectivity of bottom longlines currently in use in the fishing industry and to attempt to improve the selectivity of longline gear. The experimental fishery would involve the use of longline gear equivalent to current commercial longline gear as well as experimental hooks, bait, and other control gears to compare results. The New England Aquarium and the MADMF have received funding for and conducted similar selectivity and survival experimental fisheries in the past.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Christopher B. Kellogg at the Council (see **ADDRESSES**).

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

Dated: September 4, 1996.

Gary Matlock,

Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.

[FR Doc. 96-22957 Filed 9-4-96; 3:10 pm]

BILLING CODE 3510-22-F

50 CFR Part 648

[Docket No. 960830238-6239-3802; I.D. 081496C]

RIN 0648-AJ07

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Control Date

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

ACTION: Advance notice of proposed rulemaking; consideration of a control date.

SUMMARY: NMFS announces that the New England Fishery Management Council (Council) is considering limiting future access to anyone not in possession of a current multispecies limited access multispecies permit who enters the fisheries for silver hake (*Merluccius bilinearis*), black-eye whiting (offshore hake) (*Merluccius albus*), ocean pout (*Macrozoarces americanus*), and red hake (*Urophycis chuss*) after September 9, 1996 (control date). Consideration of a control date is intended to discourage new entry into the fishery based on economic speculation during the Council's deliberation on the issue.

DATES: Comments must be submitted by October 7, 1996.

ADDRESSES: Comments should be directed to: Douglas Marshall, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906.

FOR FURTHER INFORMATION CONTACT:

Susan A. Murphy, NMFS, Fishery Policy Analyst, 508-281-9252.

SUPPLEMENTARY INFORMATION: The Council manages multispecies under the Northeast Multispecies Fishery Management Plan (FMP). Amendment 4 to the FMP, effective June 27, 1991, included fisheries for silver hake, red hake and ocean pout, but did not include any specific measures to manage these species. On March 1, 1994, Amendment 5 to the FMP established a limited access permit program for regulated multispecies and retained an open-access permit category for the nonregulated multispecies—whiting, red hake, and ocean pout.

A definition for "nonregulated species" pertaining to the Northeast multispecies fishery was established by a final rule published on July 31, 1996, at 61 FR 39909. That definition contains the following species: Whiting, red hake, and ocean pout. The term "nonregulated species" in this action refers to whiting, red hake, ocean pout, and black-eye whiting. Black-eye whiting has historically not been distinguished from whiting, but the Council has recently requested information regarding biology and fishery economics from NMFS, because it may be prudent to monitor and manage the species separately.

On February 5, 1996, the Council submitted Amendment 7 to the FMP to NMFS and, after a preliminary evaluation, three measures in the amendment were disapproved on February 14, 1996, including the establishment of a limited access category for qualified vessels that fished in the open access possession limit category under Amendment 5. Pursuant to section 304(b)(3)(A) of the Magnuson Fishery Conservation and Management Act (Magnuson Act), the Council resubmitted the measure that would implement a possession limit permit category by revising it to allow any vessel of the United States to obtain the permit and fish for and possess nonregulated multispecies. NMFS approved this resubmitted measure on July 19, 1996, and implemented it by a final rule on July 31, 1996 (61 FR 39909). The rule established an open access permit category named the "open access nonregulated multispecies permit."

The Council currently manages fisheries for silver hake, ocean pout, and

red hake under the FMP, and it is gathering information necessary to consider the inclusion of black-eye whiting in the FMP in a plan amendment now under development. One of the impacts of the regulated species effort reduction program under Amendments 5 and 7 is that vessels are seeking alternative fisheries, including nonregulated multispecies fisheries. As markets develop, additional participants may enter these fisheries with potentially negative impacts on the health of the resource. Of the nonregulated multispecies, NMFS scientists have indicated one of the two stocks of silver hake is probably overexploited and the other is fully exploited, ocean pout is fully exploited, and red hake is underexploited.

Future access to these resources (the nonregulated species) in the exclusive economic zone will not be assured beyond the control date if a management regime that limits the number of participants in the fishery is developed and implemented under the Magnuson Act. The Council has indicated its intent to qualify vessels that hold a valid limited access multispecies permit for any limited access system that may be implemented for these species. The potential eligibility criteria may be based on current eligibility for limited access multispecies permits, as well as on historical participation, defined as any number of trips having any documented amount of any of these species. This document, therefore, gives the public, particularly those not in possession of a limited access multispecies permit, notice that they should locate and preserve records that substantiate and verify their participation in the fisheries for these species.

The control date will help to distinguish currently established multispecies fishermen from speculative entrants to the fisheries while management measures are being developed. Fishermen not in possession of a current limited access multispecies permit are notified that entering the fisheries after the control date may not qualify as previous participation, should such a criterion be the basis for future access to the silver hake, red hake, ocean pout, or black-eye whiting resources. Furthermore, additional and/or other qualifying criteria also may be applied. The Council may choose different and variably weighted methods to qualify fishermen, based on the type and length of participation in the fishery or on the quantity of landings. The Council may also decide not to limit entry into these fisheries after a