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List of Subjects in 47 CFR Part 73

Radio 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.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Arizona is amended by removing Channel 280A at Bagdad and adding Chino Valley, Channel 280C3.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96-30128 Filed 11-25-96; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 900124-0127; I.D. 111396D]

Fisheries of the Northeastern United States; Atlantic Surf Clam and Ocean Quahog Fisheries; Minimum Clam Size for 1997

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

ACTION: Suspension of surf clam minimum size limit.

SUMMARY: NMFS announces that the minimum size limit of 4.75 inches (12.065 cm) for Atlantic surf clams is suspended for the 1997 fishing year. The intended effect is to relieve the industry from a regulatory burden that is not necessary, as the vast majority of surf clams harvested are larger than the minimum size limit.

EFFECTIVE DATE: January 1, 1997, through December 31, 1997.

FOR FURTHER INFORMATION CONTACT: David Gouveia, Fishery Management Specialist, 508-281-9280.

SUPPLEMENTARY INFORMATION: A final rule implementing Amendment 8 to the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fishery (FMP) was published on June 14, 1990 (55 FR 24184). Section 648.72(c) of the FMP allows the Regional Administrator, Northeast Region, NMFS, to suspend annually, by publication of an announcement in the Federal Register, the minimum size limit for Atlantic surf clams. This action may be taken unless discard, catch, and survey data indicate that 30 percent or more of the Atlantic surf clam resource is smaller than 4.75 inches (12.065 cm) and the overall reduced shell height is not attributable to beds where growth of the individual clams has been reduced because of density-dependent factors.

At its September 1996 meeting, the Mid-Atlantic Fishery Management Council (Council) accepted the recommendations of its Statistical and Scientific Committee and Surf Clam/Ocean Quahog Committee and voted to recommend that the Regional Administrator suspend the minimum size limit for surf clams in 1997. Commercial surf clam shell length data for 1996 indicate that only 19.2 percent of the samples were composed of clams that were less than 4.75 inches (12.065 cm). Based on these data, the Regional Administrator adopts the Council's recommendation and publishes this announcement to suspend the minimum size limit for Atlantic surf clams for the period January 1, 1997, through December 31, 1997.

This action is authorized by 50 CFR part 648 and is exempt from review under E.O. 12866.

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

Dated: November 20, 1996.

Gary C. Matlock,

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

[FR Doc. 96-30075 Filed 11-25-96; 8:45 am]

BILLING CODE 3510-22-F

50 CFR Part 679

[Docket No. 961114318-6318-01; I.D. 110496A]

RIN 0648-XX71

Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Area; Interim 1997 Harvest Specifications

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

ACTION: Interim 1997 harvest specifications for groundfish; associated management measures; and closures.

SUMMARY: NMFS issues interim 1997 total allowable catch (TAC) amounts for each category of groundfish, pollock Community Development Quota (CDQ) amounts, and prohibited species bycatch allowances for the groundfish fishery of the Bering Sea and Aleutian Islands management area (BSAI). NMFS is closing certain fisheries as specified in the interim 1997 groundfish specifications. The intended effect is to conserve and manage the groundfish resources in the BSAI.

EFFECTIVE DATE: 0001 hours, Alaska local time (A.l.t.), January 1, 1997, until the effective date of the Final 1997 Initial Harvest Specifications for Groundfish, which will be published in the Federal Register.

ADDRESSES: The preliminary 1997 Stock Assessment and Fishery Evaluation (SAFE) Report, dated September 1996, is available from the North Pacific Fishery Management Council, 605 W. 4th Avenue, Suite 306, Anchorage, AK 99501-2252, telephone 907-271-2809.

FOR FURTHER INFORMATION CONTACT: Susan J. Salvesson, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background

Groundfish fisheries in the BSAI are governed by Federal regulations at 50 CFR part 679 that implement the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands area (FMP). The FMP was prepared by the North Pacific Fishery Management Council (Council) and approved by NMFS under the Magnuson-Stevens Fishery Conservation and Management Act. General regulations that also pertain to the U.S. fisheries appear at subpart H of 50 CFR part 600.

The Council met September 16-22, 1996, to review scientific information concerning groundfish stocks. The Council adopted for public review the

preliminary SAFE Report for the 1997 BSAI groundfish fisheries. The preliminary SAFE Report, dated September 1996, provides an update on the status of stocks. Copies of the SAFE Report are available from the Council (see ADDRESSES). The preliminary TAC amounts for each species are based on the best available biological and socioeconomic information. The Council recommended preliminary total TAC amounts of 1,943,190 metric tons (mt) and preliminary total acceptable biological catch (ABC) amounts of 2,507,935 mt for the 1997 fishing year.

Under § 679.20(c)(1), NMFS is publishing in the Proposed Rules section of this issue of the Federal Register for review and comment proposed initial harvest specifications for groundfish and associated management measures in the BSAI for the 1997 fishing year. That document contains a detailed discussion of the proposed 1997 annual TACs, initial TACs (ITACs) and related apportionments, ABC amounts and overfishing levels, prohibited species bycatch allowances, and associated management measures for the BSAI groundfish fishery.

This action provides interim harvest specifications and apportionments thereof for the 1997 fishing year that will become available on January 1, 1997, and remain in effect until superseded by the final 1997 harvest

specifications. Background information concerning the 1997 groundfish harvest specification process upon which this interim action is based is provided in the above mentioned proposed initial specification document appearing in the Proposed Rules section of this Federal Register issue.

1. Establishment of Interim TACs

Except for the hook-and-line and pot gear allocation of sablefish, each species' TAC initially is reduced by 15 percent to establish the ITAC for each species (§ 679.20(b)(1)(i)). The sum of the 15-percent amounts is the reserve. One half of the pollock TACs placed in the reserve is designated as a CDQ reserve for use by CDQ participants (§ 679.31(a)(1)). The remainder of the reserve is not designated by species or species group, and any amount of the reserve may be reapportioned to a target species or the "other species" category during the year, providing that such reapportionments do not result in overfishing of a target species or the "other species" category. The ITAC amount for each species, except for the hook-and-line and pot gear allocation for sablefish, is the remainder of the TAC amount after subtraction of the reserve.

Regulations at § 679.20(c)(2)(ii) require that one-fourth of each proposed ITAC amount and apportionment thereof (not including the first seasonal

allowance of pollock and except for the hook-and-line and pot gear allocations of sablefish), one-fourth of each prohibited species catch (PSC) allowance established under § 679.21, and the first seasonal allowance of pollock TAC become effective 0001 hours, A.L.T., January 1 (see § 679.23(a)), on an interim basis and remain in effect until superseded by the final harvest specifications.

2. Interim 1997 BSAI Groundfish Harvest Specifications

Table 1 of this document provides interim TAC amounts and apportionments thereof, interim TAC allocations of pollock to the inshore and offshore components, first seasonal allowances of pollock TAC and pollock CDQ, an interim sablefish apportionment to trawl gear, and Pacific cod TAC apportionments to gear types. The interim harvest specifications become effective at 0001 hours, A.L.T., January 1, 1997.

Existing regulations at § 679.20(c)(2)(ii) do not provide for an interim specification either for sablefish CDQ reserve or for sablefish managed under the Individual Fishing Quota management plan. As a result, fishing for CDQ sablefish and sablefish harvested with fixed gear is prohibited until the effective date of the Final 1997 Initial Groundfish Specifications.

TABLE 1—INTERIM 1997 TAC AMOUNTS¹ FOR GROUNDFISH AND APPORTIONMENTS THEREOF FOR THE BERING SEA AND ALEUTIAN ISLANDS MANAGEMENT AREA²

Species and component (if applicable)	Area and gear (if applicable)	Interim TAC and CDQ
Pollock ^{3 4 5}		
Inshore	BS	159,311
Offshore	BS	295,864
Inshore	AI	10,591
Offshore	AI	19,669
Inshore	BogDist	298
Offshore	BogDist	552
CDQ	BS	40,162
CDQ	AI	2,670
CDQ	BogDist	75
Total		529,192
Pacific cod ⁶	BSAI-wide	
	Jig	1,084
	H/L & Pot	27,635
	TRW catcher vessels	12,734
	TRW C/Ps	12,734
Total		54,187
Sablefish ^{7 8}	BS-TRW	84
	BS-H/L & Pot	N/A
	AI-TRW	47
	AI-H/L & Pot	N/A
Total		131
Atka mackerel	Western AI	6,842
	Central AI	4,144
	Eastern AI/BS	3,187
Total		14,173
Yellowfin sole	BSAI-wide	42,500
Rock sole	BSAI-wide	14,875

TABLE 1—INTERIM 1997 TAC AMOUNTS¹ FOR GROUND FISH AND APPORTIONMENTS THEREOF FOR THE BERING SEA AND ALEUTIAN ISLANDS MANAGEMENT AREA²—Continued

Species and component (if applicable)	Area and gear (if applicable)	Interim TAC and CDQ
Greenland turbot	BS	996
	AI	491
Total		1,487
Arrowtooth flounder	BSAI-wide	1,912
Flathead sole	BSAI-wide	6,375
Other flatfish ⁹	BSAI-wide	7,437
Pacific ocean perch	BS	329
	Western AI	1,285
	Central AI	642
	Eastern AI	642
Total		2,898
Other red rockfish ¹⁰	BS	223
Sharpchin/Northern	AI	926
Shortraker/Rougheye	AI	199
Other rockfish ¹¹	BS	79
	AI	151
Total		230
Squid	BSAI-wide	212
"Other species" ¹²	BSAI-wide	4,277
Total interim TAC		681,234

¹ Interim TAC amounts are in metric tons and have been rounded.

² Amounts apply to the entire Bering Sea and Aleutian Islands management area (BSAI), Bering Sea (BS), or Aleutian Islands (AI), as indicated. With the exception of pollock, and for purposes of these specifications, the BS includes the Bogoslof District (BogDist).

³ After subtraction of reserves, the ITAC amounts of pollock for each subarea or district are divided into roe and non-roe seasonal allowances. (See § 679.20(a)(5)(i).) For the BS subarea, the roe and non-roe seasonal allowances are 45 and 55 percent of the pollock ITAC amounts, respectively. The AI subarea and the Bogoslof District receive 100 percent of their respective ITAC seasonal allowances during the roe-season with the remainder of the respective ITAC seasonal allowance during the non-roe season.

⁴ Inshore and offshore component allocations are 35 and 65 percent of the ITAC amounts, respectively. (See § 679.20(a)(6)(i).) The first seasonal allowance of the inshore/offshore component allocations are in effect on January 1 as an interim TAC.

⁵ One-half of the pollock TAC (7.5 percent of each TAC) placed in the reserve for each subarea or district will be assigned to the Community Development Quota (CDQ) program. (See § 679.31(a)(1).) For the BS subarea, the roe and non-roe seasonal allowances are 45 and 55 percent, respectively, of the CDQ pollock reserve. The AI subarea and the Bogoslof District receive 100 percent of their respective CDQ reserve allocations during the roe-season with the remainder of the respective reserve becoming available during the non-roe season. The first seasonal allowance of the CDQ reserve is available on January 1 as an interim TAC.

⁶ After subtraction of the reserves, the ITAC amount for Pacific cod, is allocated 2 percent to vessels using jig gear, 51 percent to H/L gear, and 47 percent to trawl (TRW) gear. The Pacific cod allocation to TRW gear is split evenly between catcher vessels and catcher/processor vessels (See § 679.20(a)(7)(i) and the proposed initial specification document appearing in the Proposed Rules section of this FEDERAL REGISTER issue). Pacific cod ITAC seasonal apportionments to vessels using H/L or pot gear are not reflected in the interim TAC amounts. One-fourth of the ITAC gear apportionments are in effect on January 1 as an interim TAC.

⁷ Sablefish TRW gear allocations are as follows: In the BS subarea—50 percent of TAC; and in the AI subarea—25 percent of TAC (See § 679.20(a)(4)(iii) (B) and (iv)(B)). Fifteen percent of the sablefish TRW gear allocation is placed in the nonspecific reserve. One-fourth of the ITAC amount for TRW gear is in effect January 1 as an interim TAC amount.

⁸ The sablefish H/L gear fishery is managed under the Individual Fishing Quota (IFQ) program and subject to regulations contained in subpart D of 50 CFR part 679. Annual IFQ amounts are based on the final TAC amount specified for the sablefish H/L gear fishery as contained in the final specifications for groundfish. Twenty percent of the sablefish H/L and pot gear final TAC amount will be reserved for use by CDQ participants. (See § 679.31(c).) Existing regulations at § 679.20(c)(2)(ii) do not provide for an interim specification for the CDQ sablefish reserve or an interim specification for sablefish managed under the IFQ program. In addition, in accordance with § 679.7(f)(3), retention of sablefish caught with fixed gear is prohibited unless the harvest is authorized under a valid IFQ permit and IFQ card. In 1997, IFQ permits and IFQ cards will not be valid prior to the effective date of the 1997 final specifications. Thus, fishing for sablefish with fixed gear is not authorized under these interim specifications. See subpart D of 50 CFR part 679 and § 679.23(g) for guidance on the annual allocation of IFQ and the sablefish fishing season.

⁹ "Other flatfish" includes all flatfish species except for Pacific halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, and yellowfin sole.

¹⁰ "Other red rockfish" includes shortraker, rougheye, sharpchin, and northern.

¹¹ "Other rockfish" includes all *Sebastes* and *Sebastolobus* species except for Pacific ocean perch, sharpchin, northern, shortraker, and rougheye.

¹² "Other species" includes sculpins, sharks, skates, eulachon, smelts, capelin, and octopus.

3. Interim Allocation of PSC Limits for Crab, Halibut, and Herring

Under § 679.21(e), annual PSC limits for the trawl fisheries are specified for red king crab and *Chionoecetes bairdi* Tanner crab in applicable Bycatch Limitation Zones (see § 679.2) of the BS

subarea, and for Pacific halibut and Pacific herring throughout the BSAI. Regulations under § 679.21(e) authorize the apportionment of each PSC limit into PSC allowances for specified fishery categories. Regulations at § 679.20(c)(2)(ii) require that one-fourth of each proposed PSC allowance be

made available on an interim basis for harvest at the beginning of the fishing year, until superseded by the final harvest specifications. The interim PSC limits are specified in Table 2 and are in effect at 0001 hours, A.l.t., January 1, 1997.

TABLE 2—INTERIM 1997 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL AND NONTRAWL FISHERIES

Trawl Fisheries	Zone 1 ¹	Zone 2 ¹	BSAI-wide
Red king crab, number of animals:			
Yellowfin sole	12,500		
Rcksol/oth.flat/flathead sole ²	27,500		
Rockfish	0		
Turb/arrow/sabl ³	0		
Pacific cod	2,500		
Pick/Atka/othr ⁴	7,500		
Total	50,000		
C. bairdi Tanner crab, number of animals:			
Yellowfin sole	62,500	382,500	
Rcksol/oth.flat/flathead sole	106,250	127,500	
Turb/arrow/sabl	0	0	
Rockfish	0	2,500	
Pacific cod	62,500	65,000	
Pick/Atka/othr	18,750	172,500	
Total	250,000	750,000	
Pacific halibut, mortality (mt):			
Yellowfin sole			205
Rcksol/oth.flat/flathead sole			183
turb/arrow/sabl			0
Rockfish			28
Pacific cod			421
Pick/Atka/othr			107
Total			944
Pacific herring, mt:			
Midwater pollock			307
Yellowfin sole			72
Rcksol/oth.flat/flathead sole			0
Turb/arrow/sabl			0
Rockfish			2
Pacific cod			6
Pick/Atka/othr ⁵			38
Total			425
Nontrawl Fisheries:			
Pacific halibut, mortality (mt):			
Pacific cod Hook-and-line			200
Other nontrawl			25
Groundfish pot gear			(6)
Groundfish jig gear			(6)
Sablefish hook-and-line			(6)
Total			225

¹ Refer to § 679.2 for definitions of Bycatch Limitation Zones.

² Rock sole, flathead sole, and other flatfish fishery category.

³ Greenland turbot, arrowtooth flounder, and sablefish fishery category.

⁴ Pollock, Atka mackerel, and "other species" fishery category.

⁵ Pollock other than midwater pollock, Atka mackerel, and "other species" fishery category.

4. Closures to Directed Fishing

In accordance with § 679.20(d), if the Administrator, Alaska Region, NMFS (Regional Administrator) determines that the amount of a target species or "other species" category apportioned to a fishery or, with respect to pollock, to an inshore or offshore component allocation, will be reached, the Regional Administrator may establish a directed fishing allowance for that species or species group. If the Regional Administrator establishes a directed fishing allowance, and that allowance is or will be reached before the end of the fishing year, NMFS will prohibit directed fishing for that species or species group in the specified subarea or district (§ 697.20(d)(1)(iii)). Similarly, under § 679.21(e), if the Regional Administrator determines that a fishery

category's bycatch allowance of halibut, red king crab, or *C. bairdi* Tanner crab for a specified area has been reached, the Regional Administrator will prohibit directed fishing for each species in that category in the specified area.

The Regional Administrator has determined that the interim TAC amounts of pollock in the Bogoslof District, Pacific ocean perch in the Bering Sea subarea, sharpchin/northern in the Aleutian Islands, shortraker/roughey in the Aleutian Islands, other rockfish in the Bering Sea and Aleutian Islands subareas, and other red rockfish in the Bering Sea subarea will be necessary as incidental catch to support other anticipated groundfish fisheries prior to the time that final specifications for groundfish are in effect for the 1997 fishing year (Table 3). Therefore, in

accordance with § 679.20(d), NMFS is prohibiting directed fishing for these target species and gear types in the specified area identified in Table 3 to prevent exceeding the interim amounts of groundfish TACs specified in Table 1 of this document.

An interim Zone 1 red king crab bycatch allowance of zero crab is specified for the rockfish trawl fishery, which is defined at § 679.21(e)(3)(iv)(D). Similarly, the interim BSAI halibut bycatch allowance specified for the Greenland turbot/arrowtooth flounder/sablefish trawl fishery category, defined at § 679.21(e)(3)(iv)(C), is 0 mt. The Regional Administrator has determined, in accordance with §§ 679.21(e)(7)(ii) and 679.21(e)(7)(iv), that the interim red king crab bycatch allowance specified for the trawl rockfish fishery in Zone 1

and the interim halibut bycatch allowance specified for the Greenland turbot/arrowtooth flounder/sablefish trawl fishery category has been caught. Therefore, NMFS is prohibiting directed fishing for rockfish in Zone 1 by vessels using trawl gear, and for Greenland turbot/arrowtooth flounder/ sablefish by vessels using trawl gear in the BSAI (Table 3).

The closures listed in Table 3 will be in effect during the period that the 1997 interim specifications for groundfish TAC amounts are in effect beginning at 0001 hours, A.l.t., January 1, 1997, until superseded by the Final 1997 Initial Harvest Specifications for Groundfish. While these closures are in effect, the maximum retainable bycatch amounts at § 679.20(e) apply at any time during a fishing trip. Additional closures and restrictions may be found in existing regulations at 50 CFR part 679.

TABLE 3—CLOSURES TO DIRECTED FISHING UNDER 1997 INTERIM TAC AMOUNTS ¹

Fishery (all gear)	Closed area ²
Pollock in Bogoslof District.	Statistical Area 518.
Pacific ocean perch	Bering Sea Subarea.
Sharpchin/northern rockfish.	Aleutian Islands sub-area.
Shortraker/rougeye rockfish.	Aleutian Islands sub-area.
Other rockfish ³	BSAI.
Other red rockfish ⁴ ...	Bering Sea subarea.
Rockfish (trawl only)	Zone 1.

TABLE 3—CLOSURES TO DIRECTED FISHING UNDER 1997 INTERIM TAC AMOUNTS ¹—Continued

Fishery (all gear)	Closed area ²
Greenland turbot/arrowtooth/sablefish (trawl only).	BSAI.

¹ These closures to directed fishing are in addition to closures and prohibitions found in regulations at 50 CFR part 679.

² Refer to § 679.2 for definitions of areas.

³ In the BSAI, "Other rockfish" includes *Sebastes* and *Sebastolobus* species except for Pacific ocean perch and the "other red rockfish" species.

⁴ "Other red rockfish" includes shortraker, rougeye, sharpchin, and northern.

After consideration of public comments on the Proposed 1997 Initial Specifications for Groundfish and additional scientific information presented at its December 1996 meeting, the Council may recommend other closures to directed fishing. NMFS may implement other closures at the time the Final 1997 Initial Harvest Specifications are implemented or during the 1997 fishing year, as necessary for effective management.

Classification

This action is authorized under 50 CFR part 679 and is exempt from review under E.O. 12866.

The AA finds for good cause under 5 U.S.C. 553(b)(B) that the need to establish interim total allowable catch limitations and other restrictions on fisheries in the BSAI, effective on

January 1, 1997, makes it impracticable and contrary to the public interest to provide prior notice and opportunity for public comment on this rule. Regulations at § 679.20(c)(2) require NMFS to specify interim harvest specifications to be effective on January 1 and remain in effect until superseded by the final specifications in order for the BSAI groundfish fishing season to begin on January 1 (see § 679.23). Without interim specifications in effect on January 1, the groundfish fisheries would not be able to open on January 1 which would result in unnecessary closures and disruption within the fishing industry. Because the stock assessment reports and other information concerning the fisheries in the BSAI became available only recently, NMFS is not able to provide an opportunity for comment on the interim specifications. It is anticipated that the interim specifications will be in effect for only a short period of time before they are superseded by the final specifications. The proposed specifications are published as a proposed rule in this issue of the Federal Register and provide the opportunity for public comment.

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*

Dated: November 19, 1996.

Gary Matlock,
Acting Assistant Administrator for Fisheries,
National Marine Fisheries Service.

[FR Doc. 96-30046 Filed 11-22-96; 8:45 am]

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