

should reduce the regulatory fees for certain television stations operating in large markets, but which are part of that market only because the residents in the station's service area primarily view the market's principle city's stations. These stations are generally UHF stations, they lack network affiliations, and are located outside of the principle city's metropolitan area and do not provide a Grade B signal to a substantial portion of the market's metropolitan areas. Often these stations are not carried by cable systems serving the principal metropolitan areas. These stations will be assessed a fee based on the number of television households served, and will be charged the same fee as stations serving markets with the same number of television households. For example, stations that do not serve the principal metropolitan areas within their assigned markets and serve fewer than 242,000 television households will be assessed the same regulatory fee as stations not located in the top-100 markets. We will entertain requests for reductions in the regulatory fee assessments from those licensees that have filed timely petitions for waiver or reduction of the regulatory fee.

16. COMSAT General Corporation (COMSAT) petitioned the Commission to either reduce or waive the regulatory fee for FY 1994 for its D-2 satellite. COMSAT deorbited its D-2 satellite on December 16, 1993, and *inter alia*, it urges the Commission to reduce proportionally the regulatory fee to reflect the limited period in which it was in operation. Fees are assessed on an annual basis and the Commission, will not issue pro rata refunds. COMSAT's request for a proportional reduction of the regulatory fee is denied. However, COMSAT's request for a waiver of the fee, as well as other requests for waivers discussed here, will be considered by the Office of Managing Director pursuant to its delegated authority to rule upon requests to waive, reduce or defer regulatory fees. 47 CFR 1.1166(a).

**Ordering Clauses**

17 Accordingly, it is ordered that the Petitions for Reconsideration identified in Appendix are granted to the extent indicated in the full text and in all other respects are denied.

18. It is further ordered that the rule changes as specified above and below are adopted.

19. It is further ordered that the rule changes made herein will become effective 60 days after publication in the **Federal Register**. This action is taken pursuant to Section 4(i), 4(j), 9 and 303(r) of the Communications Act, as

amended, 47 U.S.C. 154(i), 154(j), 159 and 303(r).

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

**List of Subjects in 47 CFR Part 1**

Administrative practice and procedure.

**Appendix**

*Petitions for Reconsideration were filed by:*

- Dennis C. Brown & Robert H. Schwaninger
- Cellular Telecommunications Industry Association
- Fant Broadcasting Company
- Fireweed Communications
- National Association of Broadcasters
- NYNEX Corporation
- Southwestern Bell Telephone Company
- Sprint Corporation
- Withers Broadcasting Company of Texas

**Rule Change**

Part 1 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

**PART 1—PRACTICE AND PROCEDURE**

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

**Authority:** 47 U.S.C. 151, 154, 303, and 309(j) unless otherwise noted.

2. Section 1.1162 is amended by revising paragraph (c) to read as follows:

**§ 1.1162 General exemptions from regulatory fees.**

\* \* \* \* \*

(c) Applicants and permittees who qualify as nonprofit entities. For purposes of this exemption, a nonprofit entity is defined as: an organization duly qualified as a nonprofit, tax exempt entity under section 501 of the Internal Revenue Code, 26 U.S.C. 501; or an entity with current certification as a nonprofit corporation or other nonprofit entity by state or other governmental authority.

\* \* \* \* \*

[FR Doc. 95-16375 Filed 7-3-95; 8:45 am]  
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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Parts 675 and 677**

[Docket No. 950414105-5166-02; I.D. 033095A]

RIN 0648-AH69

**Groundfish of the Bering Sea and Aleutian Islands Area; Chum Salmon Savings Area**

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

**ACTION:** Final rule.

**SUMMARY:** NMFS is implementing Amendment 35 to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI). This amendment prohibits the use of trawl gear in a specified area of the Bering Sea during the pollock non-roe season. Regulatory amendments also are implemented that would increase 1995 observer coverage for mothership processor vessels and for some shoreside processors receiving pollock harvested in the catcher vessel operational area (CVOA), and would require the mothership processor vessels and shoreside processors to obtain the capability for electronic transmission of daily observer reports. This action is necessary to reduce chum salmon bycatch amounts in the pollock fishery and is intended to promote the objectives of the FMP.

**EFFECTIVE DATE:** August 1, 1995.

**ADDRESSES:** Copies of Amendment 35 and the environmental assessment/regulatory impact review/final regulatory flexibility analysis (RIR/FRFA) prepared for Amendment 35 are available from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510; telephone: 907-271-2809.

**FOR FURTHER INFORMATION CONTACT:** Kaja Brix, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** Fishing for groundfish by U.S. vessels in the exclusive economic zone of the BSAI is managed by NMFS according to the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area. The FMP was prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (Magnuson Act), and is implemented by regulations governing the U.S. groundfish fisheries

at 50 CFR parts 675 and 676. General regulations that also pertain to U.S. fisheries are codified at 50 CFR part 620. Regulations governing observer coverage requirements for specified U.S. fisheries under the North Pacific Fisheries Research Plan (Research Plan) are codified at 50 CFR part 677.

In 1993, the total "other" (chum) salmon bycatch amount in the BSAI fisheries was 245,000 fish—approximately six times the bycatch level estimated for each of the previous 2 years and triple the previous highest bycatch amount of 72,000 "other" salmon estimated in the 1984 foreign trawl fishery. To reduce "other" salmon bycatch and address concerns for conservation of the salmon resource a specified area, the salmon savings area, which was renamed the chum salmon savings area (CSSA), was closed to trawling by emergency rule (59 FR 35476, August 15, 1994) during the 1994 pollock nonroe season. As in past years, vessels fishing in the CSSA in 1994 prior to closure of this area experienced a high "other" salmon bycatch rate. Continued fishing in the CSSA in 1994 would likely have led to higher bycatch rates than those seen after the closure. The CSSA has historically accounted for a large proportion of "other" salmon bycatch and a relatively small proportion of groundfish harvest.

A proposed rule to implement Amendment 35 to the FMP was published on April 25, 1995 (60 FR 20253). Public comment on the proposed rule was invited through June 5, 1995. A notice of availability for Amendment 35 was published in the **Federal Register** on April 6, 1995 (60 FR 17512). Comments on Amendment 35 were accepted through May 30, 1995. One letter indicating "no comments" was received within the comment period. NMFS is not making any changes from the proposed rule to the final rule and is implementing the following management measures.

1. The CSSA will be closed to all trawling for the month of August, with the closure continuing or being reinstated once a bycatch limit of 42,000 "other" salmon has been reached in the CVOA. Accounting for chum salmon bycatch attributable to the bycatch limit will begin on August 15. The CSSA will reopen to trawling on October 15. The closure area is defined by straight lines connecting the following coordinates in the order listed:

- 56°00' N., 167°00' W.;
- 56°00' N., 165°00' W.;
- 55°30' N., 165°00' W.;
- 55°30' N., 164°00' W.;
- 55°00' N., 164°00' W.;
- 55°00' N., 167°00' W.; and

56°00' N., 167°00' W.

2. Mothership processor vessels that receive pollock harvested in the CVOA during the 1995 pollock nonroe season will be required to carry two observers until the bycatch limit for "other" salmon is reached or until October 15, whichever occurs first. For the same period of time, those shoreside processing plants that also receive pollock harvested in the CVOA during the 1995 pollock nonroe season and that offload fish at two locations on the same dock and have distinct and separate equipment at each location to process those fish will also be required to have an extra observer. For 1996 and beyond, any observer coverage requirements for these vessels and shoreside plants would be implemented under the Research Plan.

3. Electronic communication capabilities will be required for each mothership processor vessel that receives pollock harvested in the CVOA during the pollock nonroe season and for each shoreside processing facility that receives pollock harvested from the CVOA during the pollock nonroe season and that is required to have 100-percent observer coverage under 50 CFR 677.10.

**Classification**

The Director, Alaska Region, NMFS, determined that the FMP amendment is necessary for the conservation and management of the Bering Sea and Aleutian Islands management area fisheries and that it is consistent with the Magnuson Act and other applicable laws.

The Council prepared an FRFA as part of the RIR. A copy of this analysis is available from the Council (see ADDRESSES).

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

**List of Subjects in 50 CFR Parts 675 and 677**

Fisheries, Reporting and recordkeeping requirements.

Dated: June 28, 1995.

**Gary Matlock,**

*Program Management Officer, National Marine Fisheries Service.*

For reasons set out in the preamble, 50 CFR parts 675 and 677 are amended as follows:

**PART 675—GROUND FISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREA**

1. The authority citation for part 675 continues to read as follows:

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

2. Section 675.22, paragraph (h) is added to read as follows:

**§ 675.22 Time and area closures.**

\* \* \* \* \*

(h) *Chum Salmon Savings Area.* (1) Trawling is prohibited from August 1 through August 31 in the area defined by straight lines connecting the following coordinates in the order listed:

- 56°00' N., 167°00' W.;
- 56°00' N., 165°00' W.;
- 55°30' N., 165°00' W.;
- 55°30' N., 164°00' W.;
- 55°00' N., 164°00' W.;
- 55°00' N., 167°00' W.; and
- 56°00' N., 167°00' W.

(2) When the Regional Director determines that 42,000 nonchinook salmon have been caught by vessels using trawl gear during the time period of August 15 through October 14 in the catcher vessel operational area, defined in paragraph (g) of this section, NMFS will prohibit fishing with trawl gear for the remainder of the period September 1 through October 14 in the area defined under paragraph (h)(1) of this section.

3. Section 675.25 is revised to read as follows:

**§ 675.25 Observer requirements.**

(a) *General.* Bering Sea and Aleutian Islands management area groundfish observer requirements are contained in part 677 of this chapter.

(b) *Additional observer coverage requirements applicable through December 31, 1995.* (1) Each mothership processor vessel that receives pollock harvested by catcher vessels in the catcher vessel operational area, defined at § 675.22(g), during the second pollock season that starts on August 15 under § 675.23(e), is required to have a second NMFS-certified observer aboard, in addition to the observer required under § 677.10(a)(1)(i) of this chapter, for each day of the second pollock season until the chum salmon savings area is closed under § 675.22(h)(2).

(2) Each shoreside processor that offloads fish at more than one location on the same dock and has distinct and separate equipment at each location to process those fish and that receives pollock harvested by catcher vessels in the catcher vessel operational area, defined at § 675.22(g), during the second pollock season that starts on August 15, under § 675.23(e) is required to have a NMFS-certified observer, in addition to the observer required under § 677.10(a)(1)(i) of this chapter, at each location where fish is offloaded, for each day of the second pollock season until the chum salmon savings area is closed under § 675.22(h)(2).

**PART 677—NORTH PACIFIC FISHERIES RESEARCH PLAN**

4. The authority citation for part 677 continues to read as follows:

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

5. Section 677.10, paragraphs (c)(3) and (d)(3) are revised to read as follows:

**§ 677.10 General requirements.**

\* \* \* \* \*

(c) \* \* \*

(3) Facilitate transmission of observer data by:

(i) Allowing observers to use the vessel's communication equipment and personnel, on request, for the entry, transmission, and receipt of work-related messages, at no cost to the observers, the State of Alaska, or the United States;

(ii) Ensuring that each mothership that receives pollock harvested in the catcher vessel operational area, defined at § 675.22(g) of this chapter, during the pollock nonroe season that starts on August 15, is equipped with INMARSAT Standard A satellite communication capabilities, cc:Mail remote, and the data entry software, provided by the Regional Director, for

use by the observer. The operator of each mothership processing vessel shall also make available for the observers' use the following equipment compatible therewith and having the ability to operate the NMFS-supplied data entry software program: A personal computer with a 486 or better processing chip, a DOS 3.0, or better operating system with 10 megabytes free hard disk storage and 8 megabytes RAM; and

(iii) Ensuring that the communication equipment that is on mothership processor vessels as specified at paragraph (c)(3)(ii) of this section, and that is used by observers to transmit data is fully functional and operational.

\* \* \* \* \*

(d) \* \* \*

(3) Facilitate transmission of observer data by:

(i) Allowing observers to use the shoreside processing facility's communication equipment and personnel, on request, for the entry, transmission, and receipt of work-related messages, at no cost to the observers, the State of Alaska, or the United States;

(ii) Ensuring that each shoreside processing facility that is required to

have 100-percent observer coverage under § 677.10 and that receives pollock harvested in the catcher vessel operational area, defined at § 675.22(g) of this chapter, during the second pollock season that starts on August 15, under § 675.23(e) of this chapter, makes available to the observer the following equipment or equipment compatible therewith: A personal computer with a minimum of a 486 processing chip with at least a 9600-baud modem and a telephone line. The personal computer must be equipped with a mouse, Windows version 3.1, or a program having the ability to operate the NMFS-supplied data entry software program, 10 megabytes free hard disk storage, 8 megabytes RAM, and with data entry software provided by the Regional Director for use by the observers; and

(iii) Ensuring that the communication equipment that is in the shoreside processing facility as specified at paragraph (d)(3)(ii) of this section, and that is used by observers to transmit data is fully functional and operational.

\* \* \* \* \*

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