

**47 CFR Part 73****[MM Docket No. 96-88; RM-8760]****Radio Broadcasting Services; Two Rivers and Manitowoc, Wisconsin****AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

**SUMMARY:** This document allots Channel 255A to Two Rivers, Wisconsin, as that community's first local service in response to a petition filed by Lyle Robert Evans d/b/a High Mark Radio Company. See 61 FR 18539, April 26, 1996. The coordinates for Channel 255A are 44-03-00 and 87-39-42. There is a site restriction 13.5 kilometers (8.4 miles) southwest of the community. We shall also take this opportunity to make an editorial amendment to the FM Table by deleting Channel 272A at Two Rivers, Wisconsin, and adding Channel 272A at Manitowoc, Wisconsin. With this action, this proceeding is terminated.

**DATES:** Effective December 30, 1996. The window period for filing applications for Channel 255A at Two Rivers, Wisconsin, will open on December 30, 1996, and close on January 30, 1997.

**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. 96-88, adopted November 8, 1996, and released November 15, 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, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, N.W., Suite 140, Washington, D.C. 20037, (202) 857-3800.

**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 Wisconsin, is amended by adding Channel 255A at

Two Rivers, and by removing Channel 272A at Two Rivers and adding Channel 272A at Manitowoc.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96-30586 Filed 11-29-96; 8:45 am]

BILLING CODE 6712-01-P

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 679****[Docket No. 950815208-6299-02; I.D. 080295B]****Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish of the Bering Sea and Aleutian Islands Area; Electronic Reporting**

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

**ACTION:** Final rule.

**SUMMARY:** NMFS is implementing regulations that will require all catcher/processor vessels, mothership processor vessels, and shoreside processors subject to observer coverage to have electronic communication equipment, hardware, and software necessary for electronic transmission of observer data. These requirements do not apply to processors that do not process groundfish. The equipment is intended for use by observers. Electronic submission of observer data is necessary to reduce both the time and expense of collecting fishery information by providing real-time data and to improve the overall efficiency of fisheries management. The action is intended to further the objectives of the fishery management plans for the groundfish fisheries off Alaska.

**EFFECTIVE DATE:** July 1, 1997.

**ADDRESSES:** Individual copies of the environmental assessment/regulatory impact review (EA/RIR) prepared for this action may be obtained from Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel. Send comments regarding burden estimates or any other aspect of the data requirements, including suggestions for reducing the burdens to NMFS and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C. 20503, Attn: NOAA Desk Officer.

**FOR FURTHER INFORMATION CONTACT:** Sue Salvesson, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** The domestic groundfish fisheries in the exclusive economic zone of the Gulf of Alaska (GOA) and the Bering Sea and Aleutian Islands management area (BSAI) are managed by NMFS in accordance with the Fishery Management Plan for Groundfish of the Gulf of Alaska and the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMPs). The FMPs were prepared by the North Pacific Fishery Management Council under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The FMPs are implemented by regulations that appear at 50 CFR part 679.

Timely communication between the fishing industry and NMFS is a critical element of successful fisheries management. Observers submit reports of catch to the NMFS Observer Program Office. These reports are crucial to effective inseason management of the groundfish quotas and prohibited species bycatch allowances. At present, most observer reports are submitted by fax and often must be resubmitted to obtain a readable copy. Catch data from these reports must then be verified and keypunched into an inseason management database. As a result, transmission and processing of faxed reports is costly, time-consuming, and can be inefficient for both NMFS and the industry. Because of the method by which reports are currently submitted and the burden of data entry, information available for management is often not current with the real-time status of the fishery. Electronic communication of observer reports would greatly improve management efficiency and reduce the costs associated with report submission and processing. Implementation of requirements for hardware and software that would support electronic transmission of inseason data in a more timely and efficient way would benefit both NMFS and the industry.

This rule requires each processor vessel subject to observer coverage under regulations at § 679.32(c) and § 679.50 to have the following equipment: A personal computer (PC) in working condition that contains a full 486DX 66Mhz or greater capacity processing chip, at least 16 megabytes of RAM, at least 75 megabytes of free hard disk storage, DOS version 6.0 or a successor version of the DOS operating system, Windows 3.1, 3.11, or Windows95 (or equivalent and

compatible software approved by NMFS), a 3.5-inch floppy disk drive, a 28.8kbs Hayes-compatible modem (except with the Standard C units) and a mouse. For vessel processors, the above-mentioned equipment must be connected to either an INMARSAT Standard C unit or a communication device that provides a point-to-point modem connection to the NMFS host computer and supports one or more of the following protocols:

ITU V.22, ITU V.22bis, ITU V.32, ITU V.32bis, or ITU V.34. Those processors that use an INMARSAT Standard C unit are not required to have the 28.8kbs Hayes-compatible modem. NMFS is including the Standard C unit in the list of acceptable requirements at the present time to accommodate those vessels that are currently using Standard C communications. However, the Standard C unit does not conform to the requirement to have a point-to-point modem connection; therefore, this unit may be removed from the list of required equipment in the future once less expensive point-to-point methods become available. NMFS expects the Standard C transmission costs to be approximately \$60–80 per week, based on a compressed 11KB file. The 486DX computer equipment specified above is the minimum requirement; however, greater processing capacity is preferable and would run the NMFS-supplied software more efficiently.

Equipment that differs from these specifications would not operate the data-entry software that allows electronic data transmission to NMFS. Not all computer hardware and software and satellite systems are compatible, and it would be economically and practically inefficient to set up multiple systems to transmit and collect the same information.

For shoreside processors, the required equipment must be connected to a communication device that provides point-to-point modem connection to the NMFS host computer and supports one or more of the following protocols:

ITU V.22, ITU V.22bis, ITU V.32, ITU V.32bis, or ITU V.34.

The above-specified hardware requirements for shoreside and at-sea processors do not apply to processors that do not process groundfish.

NMFS published a notice of proposed rulemaking on August 31, 1995 (60 FR 45393), which specified proposed hardware and software equipment that processors subject to observer coverage would be required to provide for use by the observer. Reasons for these requirements were addressed in that notice. Public comment was invited through September 29, 1995. One letter

of comments was received and is summarized and responded to below in the "Response to Comments" section.

NMFS has made the following changes to the final rule from the proposed rule: NMFS has modified the final rule to include performance based standards for electronic communication instead of requiring specific satellite communication units. This change is in response to general industry comments received at a meeting on August 8, 1996. The proposed rule required INMARSAT Standard A, B, or C units. Under the final rule, Standard A and B units would conform to the performance standards and are still acceptable. As mentioned above, NMFS will continue to accept the Standard C unit until inexpensive point-to-point technology is available.

NMFS has determined that some updates to the computer equipment are necessary. The new requirements specify increased RAM and hard disk storage space, and update the DOS operating system to version 6.0, as well as including Windows95 in the list of acceptable operating systems.

NMFS has also removed some software requirements that were included in the proposed rule. NMFS intends to take a more graduated approach to implementation of the electronic hardware and software intended to support the Observer Program operations. The hardware and some software requirements will be established in this final rule for mid 1997. The Observer Program Office intends to work with the industry to install the observer data entry software and communications package. After all of the software has been installed, NMFS intends to initiate rulemaking later in 1997 to require full function compliance with the Observer Program data entry and electronic communications software. This approach will provide both NMFS and the industry ample time and opportunity to resolve any unexpected operational details.

NMFS intends to continue to explore new technology to improve electronic communications, including the future use of the Internet. NMFS encourages the public to provide information on the feasibility of applying new communications technology to at-sea operations, as well as means to facilitate shoreside transmission of data.

This final rule amends a final rule implementing a revised observer coverage plan that was published in the Federal Register on November 1, 1996 (61 FR 56425).

#### Response to Comments

*Comment:* The requirement for electronic reporting will force the vessel owners to spend in excess of \$30,000 to purchase and install the satellite system for the sole purpose of submitting observer data to NMFS. The cost to install the system is significant and will cause economic hardship for the vessel. NMFS is urged to reconsider this requirement for 1995.

*Response:* In response to industry comments, NMFS has modified the final rule from the proposed rule to specify certain performance standards, outlined in the preamble to this rule, for the communication technology instead of requiring specific INMARSAT technology. The performance standards encompass an INMARSAT Standard A or B satellite communication unit for transmission of observer data from at-sea vessels. Alternatively, the industry could use other methods that conform to the performance standards. On an interim basis, vessels will also be permitted to use the INMARSAT Standard C unit. By establishing performance standards, NMFS has potentially increased the scope of acceptable units and provided more flexibility to the industry. Currently, however, approximately 75 percent of the affected industry has either an INMARSAT A or C unit. For those vessels that choose to purchase an INMARSAT A unit, the cost would be approximately \$30,000; however, an INMARSAT C unit would cost from \$4,000 to \$6,000.

*Comment 2:* Does the current NMFS computer system have all of the problems worked out and will it accept all of these transmissions?

*Response 2:* NMFS has been receiving data transmissions from some groundfish processor vessels via satellite communications for several years. Vessels that have these communications systems voluntarily transmit data electronically, because it is a cheaper and more effective means of data submission. NMFS has also implemented regulations requiring certain processor vessels that participate in specified fisheries to provide satellite communication capability for transmission of observer data (60 FR 34904, July 5, 1995). These requirements provide a reliable and efficient means of submitting and receiving observer data for timely inseason management of groundfish fisheries. NMFS also intends to implement the hardware and some software requirements first and allow gradual implementation of the data entry software and communications

package to provide the opportunity for any potential problems to be resolved.

**Classification**

The Assistant General Counsel for Legislation and Regulation, Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule would not have a significant impact on a substantial number of small entities. Although this regulation would affect a substantial number of small entities, such as a number of shoreside processors, the effects on those processors are not anticipated to cause a reduction in annual gross revenues by more than 5 percent, have annual compliance costs that increase total costs of production by more than 5 percent, or impose compliance costs for small entities that are at least 10 percent higher than compliance costs as a percent of sales for large entities. This rule would require the processors to obtain some computer hardware and software, which many of them already have. They would also incur costs to transmit data, but the cost is estimated to be small. One comment was received concerning the issue of the cost of the required equipment. NMFS has responded to this issue above. As a result, a regulatory flexibility analysis was not prepared.

This rule contains a collection-of-information requirement subject to the Paperwork Reduction Act (PRA). The collection of this information has been approved by the Office of Management and Budget, OMB Control number 0648-0307. NMFS estimates an installation time of approximately 9-13 hours for the satellite communication units. Data transmission time is estimated at no more than ten minutes for each observer report. Send comments regarding these burden estimates or any other aspect of the data requirements, including suggestions for reducing the burdens, to NMFS and OMB (see ADDRESSES). Notwithstanding any other provision of law, no person is

required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

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

**List of Subjects in 50 CFR Part 679**

Fisheries, Reporting and recordkeeping requirements.

Dated: November 25, 1996.

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

For the reasons set out in the preamble, 50 CFR Part 679 is amended as follows:

**50 CFR CHAPTER VI**

**PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA**

1. The authority citation for part 679 continues to read as follows:

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

2. In § 679.50, paragraphs (f)(1)(iii)(B)(I) and (f)(2)(iii)(B)(I) are revised to read as follows:

**§ 679.50 Groundfish Observer Program applicable through December 31, 1997.**

\* \* \* \* \*

- (f) \* \* \*
- (1) \* \* \*
- (iii) \* \* \*
- (B) \* \* \*

(I) *Hardware and software.* Providing for use by the observer a personal computer in working condition that contains a full 486DX 66Mhz or greater capacity processing chip, at least 16 megabytes of RAM, at least 75 megabytes of free hard disk storage, DOS version 6.0 or a successor version of the DOS operating system, Windows 3.1, 3.11, or Windows95 (or equivalent

and compatible software approved by NMFS), a mouse, and a 3.5-inch floppy disk drive. The computer equipment specified in this paragraph (B) must be connected to either an INMARSAT Standard C unit capable of transmitting binary files or a communication device that provides a point-to-point modem connection to the NMFS host computer and supports one or more of the following protocols: ITU V.22, ITU V.22bis, ITU V.32, ITU V.32bis, or ITU V.34. Those processors that use other than an INMARSAT Standard C unit must have at least a 28.8kbs Hayes-compatible modem. The above-specified hardware and software requirements do not apply to processors that do not process groundfish.

\* \* \* \* \*

- (2) \* \* \*
- (iii) \* \* \*
- (B) \* \* \*

(I) *Hardware and software.* Making available for use by the observer a personal computer in working condition that contains a full 486DX 66Mhz or greater capacity processing chip, at least 16 megabytes of RAM, at least 75 megabytes of free hard disk storage, DOS version 6.0 or a successor version of the DOS operating system, Windows 3.1, 3.11, or Windows95 (or equivalent and compatible software approved by NMFS), at least a 28.8kbs Hayes-compatible modem, a mouse, and a 3.5-inch floppy disk drive. The computer equipment specified in this paragraph (B) must be connected to a communication device that provides a point-to-point modem connection to the NMFS host computer and supports one or more of the following protocols: ITU V.22, ITU V.22bis, ITU V.32, ITU V.32bis, or ITU V.34. The above-specified hardware and software requirements do not apply to processors that do not process groundfish.

\* \* \* \* \*