

constituents released from the carbon are adequately controlled or destroyed, rather than emitted to the atmosphere (BID page 6-115). It is not clear that the subpart P standards, taken by themselves, provide this assurance, since subpart P standards do not contain substantive air emission controls. Thus, in addition to soliciting comment on the information in the docket, the EPA solicits comment on whether some further limitation should be necessary if subpart P facilities are to be eligible. For example, should eligibility be limited to facilities whose regeneration units provide adequate protection from the emission of desorbed organics? If so, is it appropriate to require compliance with subpart CC, or comparable controls to ensure such protection? The EPA will consider all comments on the new data received by the close of the comment period when making a final regulatory determination on the regulatory requirements for this regulation.

This notice does not represent the only provision of the final subpart CC standards which the EPA is considering revising. The EPA is planning to publish technical amendments to the rule within the next two months which will include revisions described in the August 14, 1995 Federal Register document entitled, "Proposed rule; data availability" (60 FR 41870), as well as a finding on the issue discussed in today's notice.

Dated: April 11, 1996.

Richard Wilson,

*Acting Assistant Administrator for Air and Radiation.*

[FR Doc. 96-9973 Filed 4-22-96; 8:45 am]

BILLING CODE 6560-50-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 73 and 74

[MM Docket No. 96-90, FCC 96-169]

### Telecommunications Act of 1996; Broadcast License Terms

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** We issue this Notice of Proposed Rule Making ("NPRM") to implement Section 203 of the Telecommunications Act of 1996 ("Telecom Act") (Broadcast License Terms). Section 203 eliminates the statutory distinction between the maximum allowable license terms for television stations and radio stations, and provides that such licenses may be

for terms "not to exceed 8 years." Amendment of the Commission's Rules is necessary to conform them to Section 203 of the Telecom Act. We seek comment on our proposal to amend our rules to extend broadcast license terms to 8 years, as well as on our proposal for implementing this change within the framework of existing license renewal cycles.

**DATES:** Comments are due on or before May 20, 1996, and reply comments are due on or before June 4, 1996. Written comments by the public on the proposed and/or modified information collections are due on or before May 20, 1996.

**ADDRESSES:** Federal Communications Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Robert Somers (202-418-2130), Mass Media Bureau.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Notice of Proposed Rule Making in MM Docket No. 96-90, FCC 96-169, adopted April 11, 1996 and released April 12, 1996. The complete text of this Notice of Proposed Rule Making is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street NW., Washington, D.C., and also may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, N.W., Suite 140, Washington, DC 20037.

### Synopsis of Notice of Proposed Rule Making Extending License Terms for Broadcast Facilities

1. Section 307(c) of the Communications Act of 1934, as amended, 47 U.S.C. § 307(c), authorizes the Commission to establish the period or periods for which licenses shall be granted or renewed. Prior to the enactment of the Telecom Act, Section 307(c) provided that the licenses of television stations, including low power TV stations, could be issued for a term of no longer than 5 years. It further provided that license terms for radio stations, including auxiliary facilities, could be for a period not to exceed 7 years. These were the maximum allowable license terms and the Commission had the discretion to grant or renew a broadcast license for a shorter period if the public interest, convenience, and necessity would be served by such action. Consistent with these statutory provisions, Section 73.1020 of the Commission's Rules currently states that "[r]adio broadcasting stations will ordinarily be renewed for 7 years and TV broadcast stations will be renewed for 5 years.

However, if the FCC finds that the public interest, convenience and necessity will be served thereby, it may issue either an initial license or a renewal thereof for a lesser term." Section 73.1020 also sets forth a renewal schedule for broadcast stations based on the geographical region of the country in which each station is located.

2. Section 203 of the Telecom Act amends Section 307(c) of the Communications Act to read as follows:

Each license granted for the operation of a broadcasting station shall be for a term of not to exceed 8 years. Upon application therefor, a renewal of such license may be granted from time to time for a term of not to exceed 8 years from the date of expiration of the preceding license, if the Commission finds that public interest, convenience, and necessity would be served thereby. Consistent with the foregoing provisions of this subsection, the Commission may by rule prescribe the period or periods for which licenses shall be granted and renewed for particular classes of stations, but the Commission may not adopt or follow any rule which would preclude it, in any case involving a station of a particular class, from granting or renewing a license for a shorter period than that prescribed for stations of such class if, in its judgment, the public interest, convenience, or necessity would be served by such action.

3. Length of License Terms. Although the language of Section 203 of the Telecom Act lengthens the maximum permissible broadcast license term to 8 years for both television and radio stations, the statute does not require the Commission to extend license terms to 8 years as a matter of course. The statutory language provides that licenses are to have terms "not to exceed 8 years" and expressly states that the Commission "may" grant renewals for terms not to exceed 8 years if the public interest would be served thereby. Moreover, the language indicates that the Commission may, by rule, adopt different license terms for different classes of stations. Given this discretion under the statute regarding how we might amend our rules, we believe it is appropriate to determine through notice and comment rulemaking the proper length of broadcast license terms as a general matter.

4. For several reasons, we propose to amend our Rules to provide that broadcast licenses ordinarily have the maximum 8-year term authorized under the statute. First, the practice of ordinarily granting television and radio licenses for the maximum terms will reduce the burden to broadcasters of seeking the periodic renewal of their licenses and the associated burdens on the Commission. Second, it is consistent with past Commission practice; our

current rules provide for the maximum license terms in accordance with previous statutory maximum terms of 5 years for television stations and 7 years for radio stations. Finally, this approach is consistent with the legislative history of the Telecom Act. While the statutory language provides the Commission discretion in this area, the Conference Report indicates that Congress intended the Commission to adopt the maximum term, stating that Section 203 of the Telecom Act "extends the license term for broadcast licenses to eight years for both television and radio."

5. We seek comment on this proposal to amend Sections 73.1020 and 74.15 of our Rules to provide that the Commission will ordinarily grant licenses for the 8-year terms allowed by Section 203 of the Telecom Act. Irrespective of what the Commission ultimately determines to be an appropriate standard license term, we note that Section 203 of the Telecom Act explicitly reserves the Commission's authority to grant individual licenses for less than the statutory maximum if the public interest, convenience, and necessity would be served by such action.

6. Classes of Stations. Section 203 of the Telecom Act states in part:

"the Commission may by rule prescribe the period or periods for which licenses shall be granted and renewed for particular classes of stations. \* \* \* While this provision provides us authority to designate different license terms for particular classes of stations (provided that they do not exceed 8 years), we propose to treat all but experimental broadcast stations uniformly.

7. With respect to television and radio stations the statute eliminates the current distinction between these services for purposes of establishing the maximum allowable license terms. In this regard, the legislative history states: "By applying a uniform license term \* \* \* for all broadcast station licenses, the Committee simply recognizes that there is no reason for longer radio license terms than for television licenses. The Committee intends that applying a uniform license term \* \* \* for radio and television licenses will enable the Commission to operate more efficiently in the awarding of new or renewed licenses for all broadcast licenses." H.R. Rep. No. 104-204, Section 304, 104th Cong., 1st Sess. 122 (1995).

8. Similarly, we propose to track the approach we take with full-service stations and adopt an 8-year license term for FM and TV translator facilities and low power TV stations, as well as for international broadcasting stations. This approach is consistent with our

previous decision to treat these different classes of stations uniformly. See Report and Order in MM Docket No. 92-168, 59 FR 63049, December 7, 1994. We further propose to continue our practice, set forth in Sections 74.15(b) and (c) of our Rules, of tying the license terms for auxiliary and booster facilities to the license terms of the broadcast stations with which they are associated. We seek comment on these proposals.

9. Finally, we propose to continue our practice, set forth in Section 74.15(a) of our Rules, of issuing licenses for experimental broadcast stations for a term of 1 year. We believe that a longer license term would not be warranted for this class of station and seek comment on this proposal.

10. Implementation of Amended License Term Provisions. Section 203 of the Telecom Act and the legislative history are silent as to whether existing broadcast station licenses may be modified immediately to conform to any new license terms that may be adopted.

11. The implementation issue is important because of the logistics involved in renewing broadcast licenses. Under Sections 73.1020 and 74.15 of the Commission's Rules, all of the licenses for a particular class of broadcast stations expire at fixed intervals over a 3-year period. To stagger the processing of renewal applications and thus perform this task more efficiently, the country is divided into 18 different regions containing 1 or more states for purposes of establishing synchronized schedules for radio and television license renewals. The radio renewal schedule and the television renewal schedule operate on separate and distinct cycles that do not run concurrently. Accordingly, once all radio licenses have been renewed as scheduled, there is a 50-month hiatus before the radio renewal cycle begins again. Similarly, once all television licenses have been renewed as scheduled, there is also a 26-month hiatus before the television renewal cycle begins again.

12. Because of the cyclical nature of this process, any change in the length of the license term implemented in the middle of a renewal cycle could adversely affect the synchronization of the whole process.

13. By the time the Telecom Act of 1996 was enacted in February 1996, the renewal cycle had already begun for radio stations in several regions of the country. The practical effect of this situation is that radio licenses that have already been renewed for the current maximum allowable 7-year term will have shorter terms than radio licenses renewed later in the renewal cycle, if we

adopt the 8-year term we now propose. When these previously granted licenses expire the radio renewal process will no longer be synchronized. We wish to maintain the efficiencies inherent in the existing synchronized schedule of renewal cycles. Should we ultimately adopt an 8-year license term, we therefore propose to implement it as follows. For broadcast renewal applications that are granted after the effective date of a decision in this proceeding, we propose to ordinarily grant the renewed license for the maximum proposed term of 8 years. For renewal applications that have been filed as part of the current renewal cycle (*i.e.*, the cycle beginning October 1, 1995 for radio stations) and that have been granted only the maximum 7-year license term provided under our current rules because they were processed prior to a decision in this proceeding, we propose to extend by rule the already renewed 7-year license term for such stations to the proposed 8-year term. These licenses will thus be modified by rule to have the new maximum term and will come up for renewal in synchronization with future radio renewal cycles. The Commission adopted a similar approach in 1983 when it extended existing common carrier and satellite licenses from 5 to 10 years. As noted in that decision, the Commission's authority to modify the provisions of existing licenses by rulemaking has been upheld on several occasions. This type of approach is also consistent with the discretion we are given by the Telecom Act to prescribe rules governing the period or periods for which licenses are granted for particular classes of stations. We solicit comment on this proposed approach for implementing the new maximum broadcast license terms authorized by the Telecom Act.

14. By this Notice of Proposed Rule Making we request comments on how to best implement the provisions of Section 203 of the Telecom Act. Specifically, we seek comment on whether we should amend Sections 73.1020, 73.733, and 74.15 of the Commission's Rules to provide that broadcast licenses ordinarily should have 8-year terms, the maximum provided under the Telecom Act. We also seek comment on the treatment of different classes of broadcast stations and how best to implement the transition to any amended license term in an equitable manner given that the renewal cycle has already begun.

15. This action is taken pursuant to authority found in Sections 4(i), 303(r), and 307(c) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i),

303(r), and 307(c), and Sections 0.204(b), 0.283 and 1.45 of the Commission's Rules, 47 CFR 0.204(b), 0.283 and 1.45.

List of Subjects

47 CFR Part 73

Radio broadcasting, Television broadcasting.

47 CFR Part 74

Radio broadcasting, Television broadcasting.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96-10051 Filed 4-22-96; 8:45 am]

BILLING CODE 6712-01-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 040896C]

#### 50 CFR Part 630

#### Atlantic Swordfish Fisheries; Public Hearings

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

**ACTION:** Additional public hearing; request for comments.

**SUMMARY:** On April 12, 1996, NMFS announced four public hearings to receive comments from fishery participants and other members of the public regarding proposed amendments to regulations governing the Atlantic swordfish fisheries. NMFS now announces one additional public hearing.

**DATES:** Comments on the proposed rule must be received on or before May 2, 1996. The hearing is scheduled for April 25, 1996, from 7-10 p.m.

**ADDRESSES:** Written comments should be sent to William Hogarth, Acting Chief, Highly Migratory Species Management Division, Office of Fisheries Conservation and Management (F/CM), National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. Clearly mark the outside of the envelope "Atlantic Swordfish Comments." The additional hearing will be held at the following location:

Pompano Beach Civic Center  
1801 NE 6th Street  
Pompano Beach, FL 32060

**FOR FURTHER INFORMATION CONTACT:** William Hogarth at 301-713-2339; Kevin Foster at 508-281-9260.

**SUPPLEMENTARY INFORMATION:** NMFS announces an additional public hearing on the Atlantic swordfish proposed rule (61 FR 15212, April 5, 1996). The announcement of the four original meetings was published April 12, 1996 (61 FR 16236) and included background information that is not repeated here.

Authority: 16 U.S.C. 1801 *et seq.* and 16 U.S.C. 971 *et seq.*

Dated: April 16, 1996.

Richard W. Surdi,

Acting Director, Office of Fisheries

Conservation and Management, National Marine Fisheries Service.

[FR Doc. 96-9868 Filed 4-22-96; 8:45 am]

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#### 50 CFR Part 659

[Docket No. 960409106-6106-01; I.D. 031196A]

RIN 0648-AG26

#### Shrimp Fishery Off the Southern Atlantic States; Amendment 1

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS issues this proposed rule to implement Amendment 1 to the Fishery Management Plan for the Shrimp Fishery of the South Atlantic Region (FMP). Amendment 1 would: add rock shrimp to the FMP's management unit; prohibit trawling for rock shrimp in an area off the Florida east coast; require permits for dealers, vessels, and vessel operators involved in the rock shrimp fishery; require dealers to report information needed to monitor the fishery; and require that the initial sale, trade, barter, or transfer of rock shrimp harvested from the exclusive economic zone (EEZ) occur only between permitted dealers and permitted vessels. Based on a preliminary evaluation of Amendment 1, NMFS disapproved the measure requiring a vessel operator permit. The proposed rule would implement the remaining measures in Amendment 1. The intended effect is to protect critical habitat and conserve and manage the rock shrimp fishery.

**DATES:** Written comments must be received on or before June 7, 1996.

**ADDRESSES:** Comments on the proposed rule must be sent to the Southeast

Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Requests for copies of Amendment 1, which includes a regulatory impact review, an initial regulatory flexibility analysis (IRFA), a social impact analysis, and an environmental assessment, should be sent to the South Atlantic Fishery Management Council, (South Atlantic Council) One Southpark Circle, Suite 306, Charleston, SC 29407-4699, telephone: 803-571-4366, FAX: 803-769-4520.

Comments regarding the collection-of-information requirements contained in this proposed rule should be sent to Edward E. Burgess, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 (Attention: NOAA Desk Officer).

**FOR FURTHER INFORMATION CONTACT:** Peter J. Eldridge, 813-570-5305.

**SUPPLEMENTARY INFORMATION:** The FMP was prepared by the South Atlantic Council and is implemented through regulations at 50 CFR part 659 under the authority of the Magnuson Act. Add Rock Shrimp to the Management Unit

In the FMP, rock shrimp are included as part of the fishery, but they are not included in the management unit, because there are no management measures specific to rock shrimp. Amendment 1 contains management measures applicable to rock shrimp, including closing one area to trawling, and permitting and reporting requirements; therefore, rock shrimp would be included in the management unit.

#### Area Closed to Rock Shrimp Trawling

Amendment 1 proposes to prohibit trawling for rock shrimp between 27°30' N. lat. and 28°30' N. lat. in the area extending shoreward of the 100-fathom (183-m) depth contour (as shown on the latest edition of NOAA chart 11460) to 80°00' W. long. The Council is proposing this measure to minimize the impacts of rock shrimp trawling on important live-bottom habitat, including the slow-growing, fragile *Oculina* coral species in and adjacent to the *Oculina* Bank Habitat Area of Particular Concern (HAPC).

*Oculina* coral is fragile and particularly vulnerable to damage due to bottom trawling. The largest known concentrations of *Oculina* occur in a narrow band extending from Cape Canaveral, FL south through the HAPC. The *Oculina* formations provide