

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John F. Garziglia, Pepper & Corazzini, L.L.P., 1776 K Street, NW., Suite 200, Washington, DC 20006 (Counsel for petitioner).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 96-100, adopted April 22, 1996, and released May 1, 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 contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

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.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 625

[I.D. 042696A]

### Summer Flounder and Scup Fishery; Notice of Availability of Amendment 8

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of availability of an amendment to a fishery management plan and request for comments.

**SUMMARY:** NMFS issues this document to advise that the Mid-Atlantic Fishery Management Council (Council) has submitted Amendment 8 to the Fishery Management Plan for the Summer Flounder and Scup Fisheries (FMP) for Secretarial review and is requesting comments from the public. Amendment 8 would initiate management measures for the scup fishery.

**DATES:** Comments must be received on or before June 24, 1996.

**ADDRESSES:** Send comments to Dr. Andrew A. Rosenberg, Regional Director, National Marine Fisheries Service, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930-3799. Mark the outside of the envelope "Comments on Summer Flounder and Scup Plan."

Copies of proposed Amendment 8, its Regulatory Impact Review (RIR) and the Initial Regulatory Flexibility Analysis contained within the RIR, and the Final Environmental Impact Statement are available from David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 S. New Street, Dover, DE 19904-6790.

**FOR FURTHER INFORMATION CONTACT:** Regina L. Spallone, Fishery Policy Analyst, 508-281-9221.

**SUPPLEMENTARY INFORMATION:** The Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (Magnuson Act) requires that each regional fishery management council submit any fishery management plan or amendment it prepares to NMFS for review. The Magnuson Act also requires that NMFS, upon receiving the plan or amendment for review, immediately make a preliminary evaluation of whether the amendment is sufficient to warrant continued review, and publish a document that the plan or amendment is available for public review and comment. NMFS will consider the public comments received during the comment period in determining whether to approve the plan or amendment.

Amendment 8, if approved, would revise the Summer Flounder FMP to institute management measures that would allow the scup (*Stenotomus chrysops*) resource to rebuild over a 7-year period. Scup are currently overexploited and at a low biomass level.

Proposed management measures for scup in Year 1 of management include: Dealer, charter/party (c/p) vessel, and operator permits; moratorium vessel permits for the directed commercial fishery; a requirement that permitted vessels may sell only to permitted dealers; mandatory reporting for permitted vessels and dealers; escape vents on scup pots or traps; degradable hinges and fasteners in scup pots or traps; and maximum size for rollers used in roller rig trawl gear; minimum fish sizes for the commercial and recreational fisheries; and minimum codend mesh requirements when possessing more than a threshold level of scup on board. In Year 2 and beyond, a coastwide quota would also be implemented with Federal commercial permit holders being prohibited from landing after the quota had been attained, as well as a framework to allow time/area closures in order to reduce bycatch and prevent quota overruns. The proposed amendment also includes a framework measure to allow future adjustments to minimum fish sizes, mesh size, and the threshold level of fish on board that triggers the mesh size, and to implement a recreational possession limit and season.

NMFS disapproved six measures in Amendment 8 before publishing this notice of availability as authorized under section 304(a)(1)(A) of the Magnuson Act. These disapproved measures would: (1) Confer moratorium permit eligibility upon vessels that were re-rigging on January 26, 1993, and land scup prior to the implementation of the FMP; (2) require vessels to keep scup catches of less than 4,000 lb (1,814 kg) (the level at which the minimum mesh requirement is triggered) in 100-lb boxes to enhance enforcement; (3) accept state dealer permits in lieu of the required Federal permit; (4) deny access to the exclusive economic zone to vessels from states that do not implement recreational measures equivalent to those specified in the Federal plan; (5) use state regulations to define scup pots for the residents of that state; and (6) establish annual recreational harvest limits and deduct catches in excess of those limits from the limits for the following year.

Day 1 for this amendment is April 26, 1996. Proposed regulations to implement this amendment are scheduled to be published within 15 days of this date.

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

Dated: May 1, 1996.

Richard W. Surdi,

*Acting Director, Office of Fisheries*

*Conservation and Management, National  
Marine Fisheries Service.*

[FR Doc. 96-11271 Filed 5-2-96; 11:10 am]

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