

47 CFR Part 90

[WT Docket No. 96-86, FCC 96-155]

Public Safety Radio Requirements Through the Year 2010**AGENCY:** Federal Communications Commission.**ACTION:** Proposed Rule.

SUMMARY: The Commission has adopted a Notice of Proposed Rule Making to address the present deficiencies in public safety wireless communications as well as its expanding spectrum needs. These proposed amendments will solicit comments on how to meet public safety needs, and to facilitate a transition to a communications environment in which public safety agencies have access to higher quality transmission, emerging technologies, and broader services. The Notice also furthers the Commission's efforts to implement Section 6002 of the Omnibus Budget Reconciliation Act of 1993, which requires the Commission to study public safety spectrum needs and to develop a plan that ensures that adequate frequencies are available for public safety uses through the year 2010.

DATES: Comments are due September 20, 1996; reply comments are due October 18, 1996.

FOR FURTHER INFORMATION CONTACT: Robert McNamara the Wireless Telecommunications Bureau at (202) 418-0680.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, adopted April 5, 1996, and released April 10, 1996. The full text of this action is available for inspection and copying during normal business hours in the FCC Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C. The complete text may be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, N.W., Suite 140, Washington, DC 20037.

Summary of Report and Order

1. In this action, the Commission initiates an overall evaluation and assessment of public safety wireless communications, which builds upon our findings and conclusions presented in the 1995 FCC Public Safety Report. We believe that the critical responsibilities of public safety agencies, such as protection of life and property, can be performed more effectively by increasing the flexibility and opportunities that wireless communications can offer. The goal of this proceeding is to develop the data

necessary to evaluate the spectrum needs of public safety agencies, to solicit comment on how best to meet these needs, and to facilitate a transition to a communications environment in which public safety agencies have access to higher quality transmission, emerging technologies, and broader services, including the ability to communicate readily with one another (interoperability). We recognize that such an environment can be achieved through a variety of regulatory approaches, such as requiring more efficient use of current public safety spectrum, reallocating additional spectrum for public safety uses, and facilitating the use of commercial service providers for increased communications capacity. We believe, however, that no one approach will satisfy all public safety communications spectrum needs. We further believe that the optimal approach should allow each of these individual approaches to be strategically combined in a way that meets the specific needs of individual public safety entities.

2. The Notice of Proposed Rule Making emphasizes two primary issues. The first issue is the critical nature of public safety responsibilities to the Nation's well being and the role of modern wireless communications in ensuring that these duties are fulfilled effectively. The second issue is that the fragmented nature of present public safety wireless communications has a detrimental impact on present and future capabilities. We believe that bringing about improved quality and tangible access to expanded services is dependent largely on public safety operating in a wider and more consistent environment. This proceeding seeks to broaden the opportunity for public safety agencies to obtain access to the benefits that accrue from the increased competition and innovation that has emerged in telecommunications generally while maintaining the independence, reliability, universal service and security that are integral to public safety. We believe that a regulatory structure can emerge that is more efficient, commits more discretion to users, and facilitates access to a much broader range of services.

3. Authority for issuance of this Notice of Proposed Rule Making is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 303(r).

Final Regulatory Flexibility Analysis

4. As required by Section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial

Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposals suggested in this document. The IRFA is set forth in Appendix A of the Notice of Proposed Rule Making. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the Notice of Proposed Rule Making, but they must have a separate and distinct heading designating them as responses to the IRFA. The Secretary shall send a copy of this Notice of Proposed Rule Making, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act, Public Law No. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612.

List of Subjects in 47 CFR Part 90

Communications equipment, Radio, Reporting and recordkeeping requirements.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96-12587 Filed 5-17-96; 8:45 am]

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 655**

[I.D. 050296B]

Mid-Atlantic Fishery Management Council; Public Hearings

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

ACTION: Public hearings; request for comments.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) will hold five public hearings to allow for input on the resubmitted portion of Amendment 5 to the Fishery Management Plan for the Atlantic Mackerel, Squid, and Butterfish Fishery.

DATES: Written comments will be accepted through June 7, 1996. The hearings will be held during the months of May and June. See **SUPPLEMENTARY INFORMATION** for the time and dates of the hearings.

ADDRESSES: Send comments to David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New

Street, Dover, DE 19904. The public hearings will be held in New Hampshire, Rhode Island, New Jersey, New York, and North Carolina. See **SUPPLEMENTARY INFORMATION** for the locations of the hearings.

FOR FURTHER INFORMATION CONTACT: David R. Keifer, (302) 674-2331.

SUPPLEMENTARY INFORMATION:

Amendment 5 was partially disapproved by NMFS on February 9, 1996. The following management measures were approved by NMFS: Lowering of the *Loligo* maximum sustainable yield; eliminating the possibility of directed foreign fishing for *Loligo*, *Illex*, and butterfish; instituting a dealer and vessel reporting system; instituting an operator permitting system; and expanding of the management unit to include all Atlantic mackerel, *Loligo*, *Illex*, and butterfish under U.S. jurisdiction. NMFS disapproved three measures: (1) The use of long term potential catch to cap allowable biological catch (ABC) for Atlantic mackerel, (2) the *Illex* moratorium, and (3) the exemption from the minimum mesh requirement for the *Loligo* fishery for a vessel fishing for sea herring whose catch is comprised of 75 percent or more of sea herring.

In the draft proposed resubmitted portion of Amendment 5, overfishing for Atlantic mackerel is defined as the catch of Atlantic mackerel exceeding the annual ABC for the species. The fishing mortality rate associated with the total catch of Atlantic mackerel (ABC + C) shall not exceed $F_{0.1}$ (as determined by the most recent stock assessment conducted by the Northeast Fisheries

Science Center). ABC is the allowable biological catch in U.S. waters for the upcoming fishing year and C is defined as the quantity of mackerel that is expected to be caught in Canadian waters. In addition, a spawning stock size (S) of no less than 900,000 mt shall be maintained at the end of the fishing year for which catch estimates and quotas are being prepared.

The qualification language for the *Illex* moratorium in the preferred alternative is: A vessel is eligible for a moratorium permit in the *Illex* fishery if it meets any of the following criteria: (1) The vessel had five landings (including at-sea joint venture transfers) of 5,000 lb (2.27 mt) of *Illex* (i.e., landed five trips of at least 5,000 lb (2.27 mt) between August 13, 1981, and August 13, 1993, (2) the vessel is replacing a vessel of substantially similar harvesting capacity that involuntarily left the *Illex* squid fishery during the moratorium, and both the entering and replaced vessels are owned by the same person.

“Substantially similar harvesting capacity” means the same or less gross registered tonnage (GRT) and vessel registered length for commercial vessels, or (3) vessels that are judged unseaworthy by the U.S. Coast Guard for reasons other than lack of maintenance may be replaced by a vessel with the same GRT and vessel registered length for commercial vessels.

A vessel that does not qualify for an *Illex* moratorium permit may land *Illex* if: (1) The vessel possesses an incidental catch permit, (2) the vessel fishes with a net legal in the directed fishery, (3) the vessel lands no more than 5,000 lb (2.27

mt) of *Illex* per trip, and (4) the operator of the vessel files the appropriate trip reports. The bycatch allowance may be adjusted by the Director, Northeast Region, NMFS, based on the recommendation of the Council.

The public hearings will be tape recorded with the tapes filed as the official transcript of the hearings. The hearings will be held at the following locations.

1. May 20, 1996, 6 p.m.—Holiday Inn, 300 Woodbury Avenue, Portsmouth, NH.

2. May 21, 1996, 4 p.m.—Holiday Inn at the Crossings, 800 Greenwich Avenue, Warwick, RI.

3. May 30, 1996, 6:30 p.m.—Cape May extension Office, Dennisville Road, Cape May, NJ.

4. June 3, 1996, 7:30 p.m.—Ramada Inn, Exit 72 L.I.E. & Route 25, Riverhead, NY.

5. June 3, 1996, 7 p.m.—North Carolina State Aquarium, Airport Road, Manteo, NC.

These hearings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to David R. Keifer (see **ADDRESSES**) at least 5 days prior to the hearing dates.

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

Dated: May 14, 1996.

Richard H. Schaefer,
Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

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