

opportunity to prepare fully developed comments.

4. In a letter of November 19, 1996, CDE stated that after reviewing the Broadcasters opposition filing, it now intends to offer comments that advance an alternative procedure that would provide flexibility in resolving the numerous technical issues that impact DTV allotments. CDE therefore amended its earlier request to support the comment date plan suggested by the Broadcasters.

5. We agree with the Broadcasters that it is desirable to complete our action adopting an initial DTV Table of Allotments as soon as possible. We find that the alternative plan for filing comments and reply comments suggested by the Broadcasters, rather than that originally suggested by CDE, is appropriate in the interests of developing a complete record on the DTV channel allotment matter and of accommodating the demands of the holiday season. We therefore are extending the date for filing reply comments to January 10, 1997. In addition, we will accept late-filed comments that are filed within a reasonable period of time after the November 22, 1996, due date for comments.

6. Accordingly, *It is ordered* that Broadcasters' request that we accept late-filed comments for a reasonable period of time and that we provide additional time for the filing of reply comments, as supported by CDE in its supplemental filing, *Is granted* as indicated herein. *It is further ordered* the time for filing reply comments relating to the *Sixth FNPRM is extended* to January 10, 1997. This action is taken pursuant to authority found in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 303(r), and Sections 0.202(b), 0.283 and 1.45 of the Commission's rules, 47 CFR §§ 0.204(b), 0.283 and 1.45.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96-30542 Filed 11-29-96; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 285, 630, 644, and 678

[I.D. 112296A]

Atlantic Highly Migratory Species Fisheries; Consolidation of Regulations

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

ACTION: Public hearings; request for comments.

SUMMARY: NMFS will hold six public hearings to receive comments from fishery participants and other members of the public on the proposed consolidation of existing Highly Migratory Species (HMS) regulations. The proposed rule would provide the public with a single reference source for the regulations applying to Atlantic tunas, swordfish, billfish, and sharks, which is clearer and easier to use than the existing regulations. The proposed rule is part of the President's Regulatory Reinvention Initiative.

DATES: See **SUPPLEMENTARY INFORMATION** for specific dates and times of hearings. Written comments and suggestions on the consolidation must be received on or before December 23, 1996.

ADDRESSES: See **SUPPLEMENTARY INFORMATION** for locations of the hearings. Written comments should be sent to Christopher Rogers, Office of Sustainable Fisheries, (F/SF1), National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. Copies of the proposed rule are available from the same address.

FOR FURTHER INFORMATION CONTACT: Christopher Rogers, (301) 713-2347.

SUPPLEMENTARY INFORMATION: A complete description of the measures, and the purpose and need for the proposed action, are contained in the proposed rule published November 6, 1996 (61 FR 57361) and are not repeated here.

NMFS requests comments or suggestions for further consolidation or elimination of obsolete or duplicative provisions contained in the proposed revision to Atlantic HMS regulations. Comments concerning the impacts of identified and or other substantive changes are also requested.

The public hearings are scheduled as follows:

1. Monday, December 9, 1996, 1 to 3 p.m.—NOAA Building 2, Room 14316,

1325 East-West Highway, Silver Spring, MD 20910;

2. Monday, December 9, 1996, 6:30 to 9:30 p.m.—Virgin Islands Gamefish Association, Red Hook, St. Thomas, USVI 00802;

3. Tuesday, December 10, 1996, 6 to 9 p.m.—NMFS Southeast Regional Office, 9721 Executive Center Drive, North, St. Petersburg, FL 33702;

4. Tuesday, December 10, 1996, 7 to 10 p.m.—Ponce Hilton, Malecon Avenue, Playa de Ponce, Ponce, PR 00732;

5. Wednesday, December 11, 1996, 6 to 10 p.m.—Kings Grant Quality Inn, Route 128 at Trask Lane, Danvers, MA 01923;

6. Friday, December 13, 1996, 7:00 to 9:30 p.m.—North Carolina Aquarium, Airport Road, Manteo, NC 27954.

The meeting locations are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Christopher Rogers at (301) 713-2347 at least 5 days prior to the meeting date.

To accommodate people unable to attend a hearing or wishing to provide additional comments, NMFS also solicits written comments on the proposed rule.

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

Dated: November 25, 1996.

George Darcy,

Acting Office Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 96-30570 Filed 11-29-96; 8:45 am]

BILLING CODE 3510-22-F

50 CFR Part 679

[Docket No. 961121323-6323-01; I.D. 111396C]

RIN 0648-AJ05

Fisheries in the Exclusive Economic Zone Off Alaska; Groundfish of the Bering Sea and Aleutian Islands Area; Increase Halibut Quota Share Use Limits in Area 4

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to implement a regulatory amendment to the Individual Fishing Quota (IFQ) Program for fixed gear Pacific halibut fisheries in and off Alaska. This action would increase halibut quota share (QS) use limits for QS holders in IFQ regulatory

areas 4A, 4B, 4C, 4D, and 4E (Area 4) of the Bering Sea and Aleutian Islands (BSAI). This action is necessary to increase individual harvest limits of IFQ halibut in Area 4 and is intended to improve the profits for IFQ halibut fishermen operating in Area 4.

DATES: Comments on the proposed rule and supporting documents must be received by January 2, 1997.

ADDRESSES: Comments must be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, Room 453, 709 West 9th Street, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802, Attention: Lori J. Gravel.

Copies of the environmental assessment/regulatory impact review/initial regulatory flexibility analysis (EA/RIR/IRFA) are available from the North Pacific Fishery Management Council, 605 West 4th Avenue, Suite 306, Anchorage, AK 99501.

FOR FURTHER INFORMATION CONTACT: James Hale, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background

The fixed gear halibut fishery is managed by the IFQ Program, a limited access system for fixed gear Pacific halibut (*Hippoglossus stenolepis*) and sablefish (*Anoplopoma fimbria*) fisheries in and off Alaska. The North Pacific Fishery Management Council (Council), under authority of the Magnuson-Stevens Fishery Conservation and Management Act and the Northern Pacific Halibut Act of 1982 (Halibut Act), recommended the IFQ Program to reduce excessive fishing capacity, while maintaining the social and economic character of the fixed gear fishery and the Alaskan coastal communities where many of these fishermen are based. NMFS implemented the IFQ Program in 1995. Various constraints were placed on QS and IFQ that limit consolidation of QS and ensure that practicing fishermen, rather than investment speculators, retain harvesting privileges. Use limits on BSAI sablefish QS are written into the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area. This action does not propose any change to sablefish QS use limits. No FMP for halibut exists; the halibut fishery is subject to the regulations of the International Pacific Halibut Commission (IPHC) and additional management measures developed by the Council that allocate harvesting privileges among U.S. fishermen. The Halibut Act provides NMFS, in consultation with the Council, with

authority to implement such allocation measures through a regulatory amendment.

Limits on QS use were created in response to concerns that an unrestricted market for QS could result in a few powerful interests controlling most of the IFQ landings and thus result in excessive decreases in the number and demographic distribution of vessels and fishermen participating in the fixed gear halibut fishery. The use limits restrict the amount of QS that a single QS holder may use to harvest IFQ species. Current regulations at 50 CFR 679.42(f)(3) allow a single QS holder to use no more than 1/2 percent (0.005) of the total amount of halibut QS for IFQ regulatory areas 4A, 4B, 4C, 4D, and 4E combined, unless the amount in excess of this limit was received in the initial allocation of QS. The 1/2 percent limit for these regulatory areas combined limited QS use to 165,015 QS units per IFQ holder in 1996.

The amount of halibut, in pounds, that a fisherman is allowed to harvest each year is calculated annually by dividing the number of QS units a fisherman holds by the QS pool, the total of all QS for each respective IFQ regulatory area. From the resulting figure is derived the percentage of the catch limit of halibut that a fisherman may harvest in each IFQ regulatory area for which the fisherman holds QS. This percentage is then multiplied by the catch limit in each IFQ regulatory area determined annually for halibut by the IPHC. The mathematical formula for deriving IFQ pounds from QS is given at 50 CFR 679.40(c). Because the total allowable catch can change annually in response to changes in fish stocks, IFQ based on a certain amount of QS can also vary from year to year. The QS pool can also change as appeals are decided and additional QS issued, or as QS are revoked due to violations.

In 1995, representatives of the fishing industry testified to the Council that the limited profits available from halibut harvests under the 1/2 percent limit were insufficient to justify the expense of traveling to remote fishing grounds in the western BSAI. To further exacerbate this problem, most QS are distributed among IFQ regulatory areas 4A, 4B, 4C, 4D, and 4E. Hence, QS units result in differing amounts of IFQ poundage for each specific regulatory area. For example, in 1996, the Area 4 use limit of 1/2 percent (165,015 QS units) resulted in 32,813 IFQ lb for IFQ regulatory area 4B, but only 16,005 IFQ lb for IFQ regulatory area 4C. Moreover, because the current use limit is expressed as a percentage of the QS pool—and the size of the QS pool can

vary from year to year—a fisherman's QS holdings that are at the use limit in one year could exceed the use limit in another year without the fisherman adding more QS to his holdings.

At its meeting in January 1996, the Council initiated an analysis of options for increasing Area 4 halibut use limits from the current one-half percent to a range of from 1 percent to 2 percent and, at its next meeting in April 1996, approved the analysis for public review. The Council took final action to recommend a regulatory amendment increasing the use limits to 1 1/2 percent at its meeting in June 1996. Under this proposal, the halibut QS use limit in Area 4 would be increased from one-half percent to 1 1/2 percent of the QS pool. This would allow halibut QS holders currently at the present limit to increase their QS and would provide greater economic incentive to harvest halibut in remote areas of the western BSAI.

Current regulations at 50 CFR 679.42 set the use limit as a percentage of the QS pool in any given year; this action would set the use limit for Area 4 at 1 1/2 percent of the 1996 QS pool for a total of 495,044 QS units. For consistency, regulations at 50 CFR 679.42(f)(1) and (2), which set halibut QS use limits for IFQ regulatory areas 2C, 3A, and 3B, would be revised also to set the halibut QS use limit for all IFQ regulatory areas at a fixed number of QS units rather than a percentage of the annual QS pool. By setting the use limit at a fixed number of QS units, this action would provide QS holders with an unchanging QS limit that will not vary according to the size of the QS pool. While the amount of IFQ produced from a certain amount of QS will vary from year to year, an invariable use limit would allow QS holders to judge more accurately whether their holdings exceed the use limit.

Classification

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

The Council prepared an IRFA as part of the RIR, which describes the impact this proposed rule would have on small entities, if adopted. A copy is available (see **ADDRESSES**). Approximately 500 halibut QS holders in regulatory areas 4A through 4D would benefit from an increase in the Area 4 QS use limit, either as QS buyers or sellers. Area 4E would not be affected by this action, because all of the halibut QS in this area is assigned to the CDQ Program, which would not be impacted by this rule. Under this proposed action, 45 QS holders would be allowed to increase

their holdings above the current limit to the new limit. Because blocked QS are limited by block and vessel category restrictions, unblocked QS units are more likely to be transferred. The unblocked halibut QS units in regulatory areas 4A through 4D equal approximately 2.1 million lb (952 metric tons) of halibut worth more than \$4.6 million in exvessel value. Therefore, this proposed action would have a significant positive impact on a substantial number of small businesses. It would significantly improve the profitability of operations for fishermen wishing to harvest IFQ halibut in remote areas of the western BSAI.

List of Subjects in 50 CFR Part 679

Alaska 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 proposed to be amended as follows:

PART 679—FISHERIES IN THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for 50 CFR Part 679 continues to read as follows:

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

2. In § 679.42, paragraphs (f)(1) through (f)(3) are revised to read as follows:

§ 679.42 Limitations on use of QS and IFQ.

* * * * *

(f) * * *

(1) IFQ regulatory area 2C. 599,799 units of halibut QS.

(2) IFQ regulatory areas 2C, 3A, and 3B. 3,005,646 units of halibut QS.

(3) IFQ regulatory areas 4A, 4B, 4C, 4D, and 4E. 495,044 units of halibut QS.

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[FR Doc. 96-30634 Filed 11-29-96; 8:45 am]

BILLING CODE 3510-22-P

50 CFR Part 679

[I.D. 112596C]

RIN 0648-A162

Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish of the Bering Sea and Aleutian Islands Area; Prohibited Species Catch Limits for Tanner Crab

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

ACTION: Notice of availability of an amendment to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area; request for comments.

SUMMARY: The North Pacific Fishery Management Council (Council) has submitted Amendment 41 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) for Secretarial review. Amendment 41 would adjust the prohibited species catch (PSC) limits for Tanner crab (*Chionoecetes bairdi*) (*C. bairdi*) in Zones 1 and 2 of the Bering Sea. This action is necessary to protect the *C. bairdi* stock in the Bering Sea, which has declined to a level that presents a serious conservation problem. The intended effect of the proposed action is to further limit crab bycatch in the Bering Sea groundfish fisheries.

DATES: Comments on the FMP amendment must be received by January 31, 1997.

ADDRESSES: Comments on the proposed FMP amendment must be submitted to Ronald J. Berg, Chief, Fisheries

Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK, 99802-1668, Attn: Lori Gravel, or delivered to the Federal Building, 709 West 9th Street, Juneau, AK. Copies of proposed Amendment 41 and the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis are available from the Council, 605 West Fourth Ave., Anchorage, AK 99501-2252; telephone 907-271-2809.

FOR FURTHER INFORMATION CONTACT: Kim S. Rivera, 907-586-7228.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires that each Regional Fishery Management Council submit any fishery management plan or plan amendment it prepares to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving a plan or amendment, immediately publish a document that the plan or amendment is available for public review and comment.

Amendment 41 would adjust the PSC limits for Tanner crab (*C. bairdi*) in Zones 1 and 2 of the Bering Sea based on the total abundance of *C. bairdi* crab as indicated by the NMFS bottom trawl survey. The PSC limits would be determined on an annual basis as part of the annual BSAI groundfish specification process, after consultation with the Council.

NMFS will consider the public comments received during the comment period in determining whether to approve the proposed amendment.

Dated: November 26, 1996.

Gary Matlock,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 96-30633 Filed 11-29-96; 8:45 am]

BILLING CODE 3510-22-P