

*Carriers Subject to the Shipping Act of 1984*, the Federal Maritime Commission amended its regulations set forth in 46 CFR Part 572 governing the filing, processing and review of agreements subject to the Shipping Act of 1984. 61 FR 11 564 (Mar. 21, 1996) and 61 FR 40530 (Aug. 5, 1996). For the most part, these amended regulations became effective on April 19, 1996. Since that date, new agreements have been required to comply with the revised information form provisions. However, the proper application of the new monitoring report provisions in 46 CFR 572.701-572.705 to agreements already in effect could not be determined immediately, because the market share data necessary to separate Class A/B agreements into Class A and Class B was not readily available. Accordingly, the Commission stayed the effectiveness of the monitoring report provisions of the final rule until further notice. Under section 15 of the 1984 Act, the Commission has directed all existing Class A/B agreements to submit reports that include the information demanded of new Class A/B agreements under the information form regulations, including market share data.

The market share data has been submitted to the Commission, and existing Class A/B agreements can now be assigned their appropriate rereporting classifications. Those agreements are being notified, via letter, of their reporting classification for 1997.

Therefore, the Commission is lifting the stay of the monitoring report provisions at 46 CFR 572.701(a) and 572.702. With this action, the lifting of quarterly monitoring reports, including those applicable to Class C agreements, will begin with the report covering the first quarter (i.e., January-March) of calendar year 1997, which is to be filed within 75 days of the end of that quarter, pursuant to 46 CFR 572.701(f).

By the Commission.  
Joseph C. Polking,  
Secretary.

[FR Doc. 97-60 Filed 1-2-97; 8:45 am]

BILLING CODE 6730-01-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 95-50; RM-8581; RM-8662]

### Radio Broadcasting Services; Willcox, AZ; Lordsburg, NM

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** This document substitutes Channel 285C3 for Channel 252A at Willcox, Arizona, and modifies the license of Station KWCX-FM to specify operation on the nonadjacent higher powered channel, as requested by William S. Konopnicki. See 60 FR 22022, May 4, 1995. Also, Channel 223C3 is allotted to Willcox, as an additional equivalent channel, since an interest in applying for a second Class C3 allotment at that community was expressed by Michael T. McKenna. Additionally, Channel 289C3 is allotted to Lordsburg, New Mexico, as an additional local FM transmission service at that community, in response to a counterproposal filed on behalf of Lordsburg Broadcasting Associates. Coordinates used for Channel 223C3 at Willcox are 32-16-22 North Latitude and 109-48-14 West Longitude; coordinates used for Channel 285C3 at Willcox are 32-14-48 North Latitude and 109-39-52 West Longitude; coordinates used for Channel 289C3 at Lordsburg, are 32-20-48 North Latitude and 108-42-36 West Longitude. As Willcox, Arizona, and Lordsburg, New Mexico, are located within 320 kilometers (199 miles) of the United States-Mexico border, concurrence of the Mexican government in the respective allotments was obtained. With this action, the proceeding is terminated.

**DATES:** Effective February 10, 1997. The window period for filing applications for Channel 223C3 at Willcox, Arizona, and for Channel 289C3 at Lordsburg, New Mexico, will open on February 10, 1997, and close on March 13, 1997.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process for Channel 223C3 at Willcox, Arizona, and for Channel 289C3 at Lordsburg, New Mexico, should be addressed to the Audio Services Division, (202) 418-2700.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 95-50, adopted December 20, 1996, and released December 27, 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, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, located at 1919 M Street, N.W., Room 246, or 2100 M

Street, N.W., Suite 140, Washington, D.C. 20037.

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 Arizona, is amended by adding Channel 223C3 at Willcox;

3. Section 73.202(b), the Table of FM Allotments under Arizona, is amended by removing Channel 252A and adding Channel 285C3 at Willcox;

4. Section 73.202(b), the Table of FM Allotments under New Mexico, is amended by adding Channel 289C3 at Lordsburg.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-47 Filed 1-2-97; 8:45 am]

BILLING CODE 6712-01-P

### 47 CFR Part 73

[MM Docket No. 96-76; RM-8770]

### Radio Broadcasting Services; Nekoosa, Wisconsin

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** Action in this document allots Channel 288A to Nekoosa, Wisconsin, in response to a petition filed by Lyle Robert Evans d/b/a The Radio Company. See 61 FR 18541, April 26, 1996. The coordinates for Channel 288A are 44-18-33 and 90-03-10. There is a site restriction 11.9 kilometers (7.4 miles) west of the community. With this action this proceeding is terminated.

**DATES:** Effective February 10, 1997. The window period for filing applications for Channel 288A at Nekoosa, Wisconsin, will open on February 10, 1997, and close on March 13, 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. 96-76,

adopted December 20, 1996, and released December 27, 1997. 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 288A at Nekoosa.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-46 Filed 1-2-97; 8:45 am]

BILLING CODE 6712-01-M

## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration (NOAA)**

#### **50 CFR Part 259**

[Docket No.961122326-6326-01; I.D. 081092G]

RIN 0648-AF22

#### **Capital Construction Fund; Interim Fishing Vessel Capital Construction Fund Procedures**

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues this final rule to allow fishermen to use the Fishing Vessel Capital Construction Fund Program (Program) for equipping and/or modifying their fishing vessels to increase general vessel safety and/or to comply with specific requirements

established under the Commercial Fishing Industry Vessel Safety Act of 1988 and/or other laws or regulations that materially increase the safety of a fishing vessel. The result is that a vessel equipment acquisition or vessel modification, which materially increases the safety of a qualified vessel, will be treated as a reconstruction and exempted from certain Program rules so that payment for it becomes a qualified withdrawal.

**EFFECTIVE DATE:** February 3, 1997.

**FOR FURTHER INFORMATION CONTACT:** Charles L. Cooper (Financial Services Division, NMFS) at 301-713-2396.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The Program allows fisheries taxpayers to defer paying Federal taxes on fishing vessel income. Income on which taxes are to be deferred must be deposited in accordance with Capital Construction Fund Agreements and reserved for the equity portion of fishing vessel construction, reconstruction, or acquisition costs. All deferred taxes are eventually recaptured by reductions in the depreciation basis, for tax purposes, of vessels benefitting from tax deferrals under the Program.

Under present Program rules (50 CFR part 259), fishermen cannot use the Program to pay for safety equipment unless that equipment is part of a vessel construction or reconstruction project. Although this is not generally a problem when fishing vessel construction is involved, it can be a problem when fishing vessel reconstruction is involved.

Generally, improving a fishing vessel will not qualify as reconstruction under this Program's rules unless the cost of doing so: (1) Is a capital expenditure; (2) amounts to at least \$100,000 or 20 percent of the vessel's acquisition cost (whichever is less); and (3) substantially prolongs the vessel's useful life, increases its value, or adapts it to a different fisheries use. The purchase and installation of fishing vessel safety equipment would seldom meet this rules test. Many fishing vessel modifications for safety purposes would also fail to meet this test.

Additionally, the conditional fishery requirements apply to fishing vessel reconstruction under this Program. These requirements restrict the availability of Program benefits in fisheries where the Government deems additional or increased harvesting capacity unwarranted. These conditional fishery requirements could also, under the present Program rules,

prevent use of this Program for safety projects.

This rulemaking permits Program use for the acquisition and installation of fishing vessel safety equipment and for fishing vessel modifications whose central purpose is to increase vessel safety to be treated, in their own right, as reconstructions for the purpose of withdrawing tax-deferred funds from Capital Construction Funds to pay for them. Except for the capital expenditure requirement, these fishing vessel safety projects are now exempted from the normal rules test that determines whether fishing vessel improvements can qualify as reconstructions. They are now also exempted from the conditional fishery requirements that would otherwise apply to reconstruction projects.

Notice of proposed rulemaking for this change was published in the Federal Register on November 18, 1992 (57 FR 54356).

#### **Comments and Responses**

Seven parties responded in writing to the notice of proposed rulemaking. All supported it. The general response was that this rule would give the industry needed flexibility in meeting new and proposed safety requirements for fishing vessels. One of those responding was the Director, Northeast Region, NMFS, for NOAA, who also recommended expanding the proposed rule to include the acquisition and installation of equipment required by law or regulation which materially increases the safety of a qualified fishing vessel. This recommendation was made for the purpose of helping fishermen pay for the high cost of transponders required for fishery management purposes; but which also serve to materially increase vessel safety by providing accurate hourly position transmissions that could be sent directly to the U.S. Coast Guard.

After considering these comments, NMFS has decided to proceed with final rulemaking with only a minimum change in the proposed rule to allow the Program to be used for vessel equipment acquisitions or vessel modifications, which materially increase the safety of a qualified vessel, to be treated as a reconstruction when made either for such central purpose or because it was required by law or regulation.

#### **Effect of Final Rule**

This rule allows the fishing industry to use their Capital Construction Funds to pay for fishing vessel safety-related projects without regard to: (1) The cost of the safety project; (2) whether the fishing vessel involved in the safety project had its useful life extended, its