

proceeding. This action will facilitate the development of a full and complete record on these issues.

DATES: Reply comments are now due on May 12, 1995.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Alan E. Aronowitz, Mass Media Bureau, (202) 776-1653.

SUPPLEMENTARY INFORMATION:

Adopted: March 31, 1995.

Released: March 31, 1995.

By the Chief, Mass Media Bureau:

1. On October 25, 1994, the Commission released a Notice of Proposed Rule Making in MM Docket No. 94-123, 59 FR 55402 (November 7, 1994) (NPRM), in this proceeding, soliciting comment on the legal and policy justifications, in light of current economic and technological conditions, for the Prime Time Access Rule, § 73.658(k) of the Commission's Rules, and to consider the continued need for the rule in its current form. By an Order adopted on December 7, 1994, the deadline for filing comments was extended to March 7, 1995, and the deadline for filing reply comments was extended to April 6, 1995. See Order Granting Extension of Time for Filing Comments and Reply Comments in MM Docket No. 94-123, 59 FR 64382 (December 14, 1994).

2. On March 24, 1995, a motion for extension of time for filing reply comments in this proceeding was filed by the Network Affiliated Stations Alliance, which states that it is authorized to represent the Association of Independent Television Stations, Inc., Viacom, Inc. King World Productions, Inc., Capital Cities/ABC, Inc., CBS Inc., the National Broadcasting Company, Inc., the Motion Picture Association of America, Inc., and the Media Access Project ("Joint Petitioners") in this request. The motion requests that the deadline for filing reply comments be extended from April 6, 1995, to May 12, 1995.

3. The Joint Petitioners contend that the comments filed in this proceeding include detailed economic studies on all sides of the issues. These parties, who take differing views on the continued need for the Prime Time Access Rule, assert that certain data underlying those studies is now becoming available and is expected to be accessible for public review at the Commission shortly. In order to respond to the comprehensive economic analysis called for in the NPRM and to properly evaluate the comments and economic studies submitted thus far, the Joint Petitioners suggest that absent an extension of time,

any meaningful review of this data prior to the deadline for filing reply comments would be virtually impossible. These parties maintain that the grant of this request for a modest extension will serve the public interest by permitting a more thorough public and industry review of the economic data, which would, in turn, facilitate the submission of reply comments that will prove more useful in generating the comprehensive record that the Commission seeks in this proceeding.

4. As set forth in § 1.46 of the Commission's rules, 47 CFR 1.46, it is our policy that extensions of time for filing comments in rulemaking proceedings shall not be routinely granted. However, under the circumstances described above, we believe that the requested extension of time to file reply comments is warranted. This extension of time should facilitate the development of a full and complete record on the issues raised in the NPRM and, thus, it appears reasonable to provide the commenting parties additional time to analyze and address these issues.

5. Accordingly, *it is ordered* That the above-mentioned motion for an extension of time is granted, and that the time for filing reply comments in this proceeding is extended to May 12, 1995.

6. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and §§ 0.204(b), 0.283, and 1.45 of the Commission's rules.

List of Subjects in 47 CFR part 73:

Television broadcasting.

Federal Communications Commission.

Roy J. Stewart,

Chief, Mass Media Bureau.

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and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule—notice of follow-up public meeting.

SUMMARY: This notice of a follow-up public meeting is issued pursuant to the Federal Acquisition Streamlining Act of 1994, Public Law 103-355 (the Act). The Federal Acquisition Regulatory Council is considering amending Federal Acquisition Regulation (FAR) parts 32 and 52 as a result of changes to 10 U.S.C. 2307 and 41 U.S.C. 255 by Sections 2001 and 2051 of the Act. A public meeting was held concerning this proposed rule on April 3, 1995. Due to the short time frame between publication of the proposed rule in the Federal Register (60 FR 14156, March 15, 1995) and the initial public meeting, we are giving the public another opportunity to submit prepared statements for presentation and consideration.

DATES: Comment Due Date: Comments on the proposed rule should still be submitted not later than May 15, 1995, to be considered in the formulation of a final rule.

Public Meeting: A follow-up public meeting will be held on April 28, 1995, at 1 p.m.

Oral/Written Statements: Views to be presented at the public meeting should be sent, in writing, to the FAR Secretariat, at the address given below, not later than April 26, 1995.

ADDRESSES: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets, NW, Room 4037, Washington, DC 20405, Telephone: (202) 501-4755.

The public meeting will be held at: Office of Personnel Management, 1900 E Street, NW, Room 1350, Washington, DC 20415-0001.

Please cite FAR case 94-764 in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT:

Mr. John Galbraith, Contract Financing/Payment Team Leader, at (703) 697-6710 in reference to this FAR case. For general information, contact the FAR Secretariat, Room 4037, GS Building, Washington, DC 20405 (202) 501-4755. Please cite FAR case 94-764.

Dated: April 7, 1995.

C. Allen Olson,

Director, Office of Federal Acquisition Policy, General Services Administration.

[FR Doc. 95-9083 Filed 4-12-95; 8:45 am]

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DEPARTMENT OF DEFENSE

**GENERAL SERVICES
ADMINISTRATION**

**NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

48 CFR Parts 32 and 52

[FAR Case 94-764]

RIN 9000-AG36

**Federal Acquisition Regulation;
Contract Financing**

AGENCIES: Department of Defense (DOD), General Services Administration (GSA),

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 625**

[I.D. 032295A]

Summer Flounder Fishery; Public Hearings; Supplemental Environmental Impact Statement (SEIS)

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

ACTION: Notice of intent to prepare an SEIS; scoping meetings; request for comments.

SUMMARY: NMFS announces that the Mid-Atlantic Fishery Management Council (Council) intends to prepare an SEIS for proposed Amendment 7 to the Summer Flounder Fishery Management Plan (FMP). NMFS informs the public herewith of the opportunity to participate in the further development of Amendment 7 to the FMP. All persons affected by, or otherwise interested in, the proposed amendment are invited to participate in determining the scope of significant issues to be considered in the SEIS by submitting written comments. The scoping process also will identify issues that are not significant and will eliminate them from detailed study.

DATES: Written comments must be received by April 14, 1995.

The hearings are scheduled as follows:

1. April 10, 1995, 7 p.m., Manteo, NC;
2. April 10, 1995, 7 p.m., Galilee, RI;
3. April 10, 1995, 7:30 p.m.,

Ronkonkoma, NY; and

4. April 12, 1995, 7 p.m., Cape May Courthouse, NJ.

ADDRESSES: Send written comments on the scoping process and scope of the SEIS to David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 South New Street, Dover, DE 19904-6790; telephone: 302-674-2331; FAX: 302-674-5399.

The hearings will be held at the following locations:

1. Manteo—North Carolina State Aquarium, Airport Road, Roanoke Island, Manteo, NC 27954;
2. Galilee—Dutch Inn, 307 Great Island Rd., Galilee, RI 02882;
3. Ronkonkoma—Holiday Inn, 3845 Veterans Memorial Highway, Ronkonkoma, NY 11779; and
4. Cape May Courthouse—Cape May County Extension Office, Dennisville Rd., Route 657, Cape May Courthouse, NJ 08210.

FOR FURTHER INFORMATION CONTACT:

David R. Keifer, Executive Director, 302-674-2331; FAX: 302-674-5399.

SUPPLEMENTARY INFORMATION:

Problems to be Discussed for This Amendment

1. A Moratorium on Entry of Additional Vessels Into the Commercial Fishery

A moratorium on entry of additional vessels into the summer flounder commercial fishery was implemented with Amendment 2. The moratorium automatically expires in 1997. Given the large number of unemployed and underemployed fishing vessels in the Northwest Atlantic and the overfished nature of the summer flounder resource, serious consideration should be given to continuing the moratorium.

Extension of the moratorium will provide an opportunity for participants in the fishery to benefit as the resource continues to rebuild as a result of the fishing mortality reduction program. If the moratorium is allowed to lapse, the fishery will revert to open access and new vessels will enter the fishery. This would tend to dissipate any chances of profitability. More likely, the problems experienced by the existing participants in the fishery would be increased in magnitude; more fishermen would be attempting to catch the same quantity of fish, thereby increasing costs and decreasing income.

2. Moratorium Permits

Vessels with documented landings of summer flounder for sale between January 26, 1985, and January 26, 1990, qualify for a moratorium permit to land and sell summer flounder under this moratorium program. The FMP provides that, if a commercial vessel fails to land any summer flounder within any 52-week period, its moratorium permit expires. The theory behind this provision is that the FMP had very liberal qualification rules for a moratorium permit, so a retirement provision was needed to reduce harvesting capacity over time. Another view of this issue is that the retirement rule could force fishermen to participate in the summer flounder fishery only to keep their eligibility, thereby increasing effort to the fishery each year.

3. Vessel Replacement Criteria

The New England Council has requested that the Mid-Atlantic Council adopt the replacement language of the Multispecies FMP in the Summer Flounder FMP.

The Summer Flounder FMP prohibits vessel replacement unless the vessel sinks, burns, or is declared unseaworthy

by the Coast Guard. The rule was implemented to prevent increases in fishing power. The New England Council's Northeast Multispecies FMP also contains a vessel moratorium. The Multispecies FMP allows vessel replacement, as long as the horsepower does not increase by more than 20 percent and the length, gross registered tonnage, and net tonnage do not increase by more than 10 percent.

The Multispecies FMP also provides that the moratorium permits issued for a given vessel may not be divided between two vessels. Therefore, under the Multispecies FMP rules, if the owner of a vessel with multispecies and summer flounder permits wants to build a replacement vessel, the owner would not be able to transfer the summer flounder permit to the replacement vessel.

Many vessels are permitted under both FMPs. Of the 4,516 vessels that have commercial multispecies permits, and of the 1,206 vessels that have commercial summer flounder permits, 1,032 vessels have permits under both FMPs.

4. Recreational Catch Limitation Adjustment System

The Summer Flounder FMP provides that, if a state exceeds its commercial quota, the excess is deducted from the next year's quota. There is no parallel system if the coastwide harvest limit for the recreational fishery is exceeded. If the recreational fishery were to exceed its target, it is possible that the overall quota (commercial quota and recreational harvest limit) would need to be reduced for the next year. In other words, the commercial fishery quota may be reduced because the recreational target was exceeded. Some people in the industry believe that this situation presents an equity problem that should be addressed.

If the coastwide recreational management system continues, one management alternative would be to deduct any recreational overage from the harvest target for the following year.

5. Commercial Quota System

When Amendment 2 was being developed, many quota management systems were considered, including a coastwide quota, regional, and state-by-state quotas. A simple coastwide system was not feasible, due to the migratory patterns of summer flounder. Fishermen at the southern end of the range could possibly catch all the quota before fishermen at the northern end of the range had access to the summer flounder.

To mitigate this inequity, the Council adopted a state-by-state quota system. The states are responsible for managing their quotas, and NMFS retains an oversight role to assure that the state quotas are not exceeded. Since then, the FMP has been amended to allow the states to combine or trade quotas.

Some industry representatives would like the Council to consider alternative quota allocation systems. Many of the states have divided their annual quotas into quotas for shorter time periods, e.g., quarterly, and have instituted trip limit systems to reduce the chances of closure. The trip limits may be adequate for resident fishermen, but may be too small to support transient vessels that traditionally have landed in a number of states from Massachusetts to North Carolina.

Another problem with state-by-state quotas is differing trip limits in adjacent states. Vessels will land in the state with the highest trip limit. This problem occurred in Connecticut, where trip limits were considered unnecessary and thus were not imposed. However, in response to a reduction in the Massachusetts trip limit, many vessels landed in Connecticut and filled Connecticut's quota in a few days—before preventative action could be implemented.

In general, any alternative to a state-by-state quota system would have to allow for an equitable allocation of the commercial quota between northern and southern participants, as well as between the smaller day boats and larger offshore vessels. Due to the seasonal nature of the summer flounder fishery, the quota also would have to be divided into smaller temporal units to allow for a fair distribution. One possible approach is a bimonthly quota allocation system. To minimize effects on traditional landings patterns, the allocation to each period would be based on past landings instead of a system that divided the quota equally over the six periods. For example, based on 1992 data, 23 percent would be allocated to period 1 (January–February) and only 6 percent to period 3 (May–June) (Table 1.).

TABLE 1.—THE PERCENT OF THE TOTAL SUMMER FLOUNDER LANDED COMMERCIALLY IN 1992 FOR EACH 2-MONTH PERIOD

Period	Percent
Jan–Feb	22.68
Mar–Apr	13.78
May–Jun	5.97
Jul–Aug	8.29
Sep–Oct	28.13

TABLE 1.—THE PERCENT OF THE TOTAL SUMMER FLOUNDER LANDED COMMERCIALLY IN 1992 FOR EACH 2-MONTH PERIOD—Continued

Period	Percent
Nov–Dec	21.14

Source: NMFS Weighout Data.

A coastwide bimonthly quota allocation system would allow fishermen to land in any port along the coast. All commercial landings during a bimonthly period would count toward the quota for that period. When the quota had been landed for a bimonthly period, fishing for and/or landing summer flounder would be prohibited for the remainder of the period. Landings in excess of the allocation for the period would be subtracted from the following year's quota for the same period.

However, bimonthly allocations without trip limits would encourage derby-style fishing practices that would allow the quota to be landed by larger, more mobile vessels at the beginning of each period. Supplies of summer flounder would be discontinuous and smaller boats would be disadvantaged. Therefore, trip limits would be necessary to ensure a safer and more equitable fishery.

The trip limits could be established and modified throughout the 2-month period to allow for a continuous supply of product and equitable distribution of flounder to fishermen using both small and large vessels. For example, a 3,000-lb (1,360.78 kg) trip limit could be established for the beginning of period 1. The limit would decrease to 1,000 lb (453.59 kg) when 50 percent of the allocation was reached, to 500 lb (226.8 kg) when 75 percent of the quota was taken, and to 100 lb (45.36 kg) when 90 percent of the landings were reached. Different trip limit systems could be designed for each period to ensure equitable distribution over each 2-month period.

Unlike the current management program that allows states to design their own systems, NMFS would be responsible for implementing trip limits for each period. Therefore, NMFS will need significant resources to design and implement such a system.

6. Management of the Recreational Fishery

During the development of Amendment 2, much debate arose over whether the recreational fishery should be managed on a state-by-state basis (the same as the commercial fishery), on a regional basis, or coastwide. The final

decision was to manage on a coastwide basis.

The recreational fishery is now managed with a combination of minimum fish size limits, possession limits, and seasons that apply coastwide. However, recreational landings are not equally distributed along the coast. For example, summer flounder landings are considerably higher in New York and New Jersey than they are in North Carolina. Coastwide management results in the fishing mortality reduction measures effectively being averaged across all of the states. To ensure greater equity between northern and southern states, the Council has been asked to consider regional or state-by-state management of the recreational fishery.

Regional management could require that different measures be implemented in the three regions along the coast. As an example, the fishing mortality reduction strategy in Amendment 2 called for a reduction of 47 percent in the first 3 years of implementation. The resulting coastwide management measures included a 14-inch (35.6-cm) minimum fish size, a 3-fish possession limit and no closed season on a coastwide basis. Had the fishing mortality reduction strategy been implemented in subregions with the same size limit and season, the possession limit would have been two from Maine to Connecticut, two in the states from New York to Delaware, and six from Maryland to North Carolina.

A state-by-state system would allocate recreational quota to each state. Each state would then be required to develop management measures to ensure that the harvest limit would not be exceeded for that state.

7. Summer Flounder Bycatch in the Sea Scallop Fishery

Although scallop dredges account for approximately 1 percent of the summer flounder landings, they are the second most important gear in the commercial summer flounder fishery (after otter trawls). The scallop fishery is currently managed under the Atlantic Sea Scallop FMP, which placed a moratorium on the entry of additional vessels into the sea scallop fishery and imposed an effort limitation system.

Under the Summer Flounder FMP, sea scallop fishermen, if they qualify for a permit, may land all the summer flounder they catch, as long as they meet the minimum fish size limit and comply with the applicable state trip limits or closures. However, the summer flounder FMP and implementing regulations provide that when a state's commercial quota has been taken, no

commercial vessels may land summer flounder. The issue arises then, of whether sea scallop fishermen should be allowed to land their bycatch without regard to state summer flounder trip limits or closures, so long as the flounder meet the minimum fish size limit.

8. Bycatch Allowance

The summer flounder FMP provides that only vessels with moratorium permits may land summer flounder for sale. All other vessels must comply with the recreational seasons, size limits, and possession limits. The issue for scoping is whether commercial vessels that did not qualify for moratorium permits should be allowed to land for sale a specified amount of summer flounder caught as bycatch in fisheries directed at other species.

9. *De Minimis Status for States*

The Summer Flounder FMP is a joint plan prepared under both the Magnuson Fishery Conservation and Management Act of 1976, as amended, and the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA). Under ACFCMA, if a state does not implement measures required by an FMP, the Federal Government may impose a moratorium on landing the species covered by the FMP in that state.

In the case of summer flounder, several states, e.g., Maine, New Hampshire, and Delaware, had historically very small, or de minimis, commercial fisheries and, therefore, received very small quota allocations. A question for resolution under Amendment 7 is whether these states should be required to impose a full array of management measures for what could be a bycatch fishery.

This issue is essentially an Atlantic States Marine Fisheries Commission (ASMFC) concern, because the Director, Northeast Region, NMFS, must ensure no landing of summer flounder by federally permitted vessels once a state's quota has been landed. The Federal minimum fish size limit would apply to summer flounder in commerce. Federally permitted vessels would be required to use the appropriate minimum cod end on otter trawl nets, which is the management measure established by the FMP.

Several states also have de minimis landings in the recreational sector. It must be determined whether adequate conservation reasons exist to incur the governmental costs associated with preparing and implementing regulations. The state-by-state distribution of the 1989 summer flounder recreational catch is shown in Table 2 below.

TABLE 2.—ESTIMATED TOTAL RECREATIONAL CATCH OF ALL SPECIES AND SUMMER FLOUNDER (SF), MAINE TO NORTH CAROLINA, 1989

State	Total catch	SF catch	State SF catch as percent of coast SF catch	State SF catch as percent of state total catch
	(lb)	(lb)		
ME	2,206,420
NH	1,765,093	6,360	0.2	0.4
MA	14,137,658	26,122	0.9	0.2
RI	4,984,989	120,842	4.3	2.4
CT	5,908,942	33,875	1.2	0.6
NY	20,114,161	449,865	16.0	2.2
NJ	17,176,916	651,288	23.2	3.8
DE	4,371,203	143,750	5.1	3.3
MD	12,791,667	471,839	16.8	3.7
VA	20,127,089	527,566	18.8	2.6
NC	16,852,753	372,652	13.3	2.2

Source: Unpublished NMFS Data.

(Table originally appeared as Table 42 in Amendment 2 to the Summer Flounder Fishery Management Plan)

10. Summer Flounder Landings by Vessels Without Federal Summer Flounder Permits

A better reporting system must be developed for summer flounder caught in state waters. Currently, vessels that land summer flounder caught in state waters are not required to have Federal permits, and therefore, are not required to file Federal logbook reports. In addition, some dealers handle only summer flounder caught in state waters and are thus also not subject to the Federal permitting and reporting requirements.

The commercial quota, however, applies to all summer flounder caught for sale, regardless of where caught. The

states must, therefore, implement a reporting system to account for the summer flounder caught in state waters.

11. In-Season Quota Adjustments

The summer flounder FMP allows quotas to be set once a year and to take effect January 1. It may be desirable to change quotas during the year as new information becomes available. This may create uncertainty in the industry, however, and further complicate the quota setting process.

12. Quota Setting Process

The annual quota setting process would be more clearly defined under the alternative proposed in Amendment 7. The summer flounder FMP contains

fishing mortality rate targets, factors to be considered in setting the quotas, and a process for the Council to follow in setting the quotas. The FMP does not discuss the limits that may be placed on the Council's discretion in setting the quotas, specifically the probability of achieving the target fishing mortality rates. This alternative would establish guidelines to be used by the Council when it sets annual quotas.

13. Fishing Mortality Rate Reduction Strategy

The current fishing mortality rate reduction strategy, incorporated in Amendment 2, called for a reduction in fishing mortality (F) to 0.53 during the first year that Amendment 2 was in

effect (1993). That rate was to remain constant for a total of three years (1993-95). In 1996, the fishing mortality rate will be reduced to F_{max} ($F = 0.23$) and remain constant at that level.

Although the fishing mortality reduction program has had some success, the poor 1993 year class will significantly reduce the allowable catch in 1996 in order to meet the fishing mortality rate target. This reduction may have significant negative impact on the fisheries. Therefore, it might be appropriate to readjust the fishing mortality rate reduction strategy in order to reduce the severity of the 1996 reduction.

For example, an alternative strategy could set the fishing mortality rate for 1996 at 0.38, which is halfway between the 1995 target F (0.53) and 0.23. Based on the information provided by the latest stock assessment, this intermediate reduction could allow for a 1996 quota that was approximately 50 percent larger than the one associated with the current strategy (i.e., an F of 0.23). However, this increase in quota would have a slight affect on the spawning stock; stock numbers would only be reduced by 10 percent in 1997 relative to the stock size associated with the current reduction strategy.

Current Management Objectives. (Part of scoping is the possible reevaluation

of the existing objectives). The objectives of the FMP are to:

1. Reduce fishing mortality in the summer flounder fishery to assure that overfishing does not occur.
2. Reduce fishing mortality on immature summer flounder to increase spawning stock biomass.
3. Improve the yield from the fishery.
4. Promote compatible management regulations between state and Federal jurisdictions.
5. Promote uniform and effective enforcement of regulations.
6. Minimize regulations to achieve the management objectives stated above.

Commercial Fishery Management Measures. Possible management measures for the commercial fishery include: Minimum and/or maximum fish size, minimum mesh size, closed seasons, quotas (including adjustment among states), moratorium on vessels, ITQs, trip limits, permit limits, and gear restrictions and limits.

Recreational Fishery Management Measures. Possible management measures for the summer flounder recreational fishery include: Minimum and/or maximum fish size, maximum possession limit, closed seasons, closed areas, gear restrictions and limits, quotas (including adjustments among states), and restrictions on the ability to sell recreationally caught fish.

Possible management measures for the summer flounder fishery that carries recreational fishermen for hire include: Minimum and/or maximum fish size, maximum possession limit, closed seasons, closed areas, gear restrictions and limits, quotas (including adjustment among states), and restrictions on the ability to sell recreationally caught fish.

Any measures that are implemented under Amendment 7 would most likely be included in the summer flounder framework. The framework allows the Monitoring Committee, made up of representatives of the three Councils, ASMFC, and NMFS, to review annually the condition of the resource and fishery and recommend adjustments to the measures (e.g., possession limit, quota, etc.) to achieve the desired goals.

Permitting and Reporting. It is not anticipated that the permitting and reporting provisions of the current FMP will be changed as a result of this Amendment.

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

Dated: April 7, 1995.

Richard H. Schaefer,

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

[FR Doc. 95-9082 Filed 4-10-95; 9:16 am]

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