State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
		Little Hurricane Creek.	At Cemetery Road	None	*753
			At Peacock Lane	None	*749
			Approximately 0.8 mile upstream of State Route 10 and 82 (U.S. Route 231).	None	*780
		Tributary to Little Hurricane Creek.	At confluence with Little Hurricane Creek	None	*761
			At Fairfield Pike	None	*785
Maps available for inspection at the Shelbyville City Hall, 109 Lane Parkway, Shelbyville, Tennessee.					
Send comments to The Honorable Albert C. Stephenson, Mayor of the City of Shelbyville, 109 Lane Parkway, Shelbyville, Tennessee 37160.					
Wisconsin	Chetek (City) Barron County.	Lake Chetek	Entire shoreline within corporate limits	None	*1040
		Prairie Lake	Entire shoreline within corporate limits	None	*1040
Maps available for inspection at the Chetek City Clerk's Office, 220 Stout Street, Chetek, Wisconsin.					
Send comments to The Honorable Shirley A. Webb, Mayor of the City of Chetek, P.O. Box 194, Chetek, Wisconsin 54728.					

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance'')

Dated: April 9, 1996.

Richard W. Krimm,

Acting Associate Director for Mitigation.

[FR Doc. 96–9607 Filed 4–17–96; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CS Docket No. 96–83; FCC 96–151]

Preemption of Restrictions on Over-the-Air Reception Devices

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Notice of Proposed Rulemaking (''NPRM'') requests comment on issues concerning the implementation of section 207 of the Telecommunications Act of 1996 as it relates to television broadcast signals and multichannel multipoint distribution services. The NPRM will assist the Commission in devising regulations in this area. The NPRM will provide interested parties an opportunity to submit comments that will provide the Commission with a sufficient record on which to base ultimate regulations.

DATES: Interested parties may file comments on or before May 6, 1996 and reply comments on or before May 21, 1996. Written comments by the public on the proposed and/or modified information collections are due on or before May 6, 1996. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed and/or modified information collections on or before June 17, 1996.

ADDRESSES: An original and six copies of all comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554, with a copy to Randi Albert of the Cable Services Bureau, 2033 M Street, N.W., Room 700Q, Washington, D.C. 20554. Parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, International Transcription Services, Inc., 2100 M Street, N.W., Suite 140, Washington, D.C. 20037. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, 1919 M Street, N.W., Room 239, Washington, D.C. 20554.

In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, D.C. 20054, or via the Internet to dconway@fcc.gov, and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725–17th Street, N.W., Washington, D.C. 20503 or via the Internet to fain—t@al.eop.gov.

FOR FURTHER INFORMATION CONTACT: Randi Albert or Jacqueline Spindler, Cable Services Bureau, (202) 416–0800. For additional information concerning the information collections contained herein, contact Dorothy Conway at 202–418–0217, or via the Internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's NPRM in CS Docket No. 96–83, FCC No. 96–151, adopted April 2, 1996 and released April 4, 1996. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street, NW, Washington, D.C. 20554, and may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 1919 M Street, NW, Washington, D.C. 20554.

This NPRM contains proposed or modified information collections subject to the Paperwork Reduction Act of 1995 (PRA). It has been submitted to the Office of Management and Budget (OMB) for review under the PRA. OMB, the general public, and other Federal agencies are invited to comment on the proposed or modified information collections contained in this proceeding.

OMB Approval Number: None.

Title: Preemption of Restrictions on Over-the-Air Reception Devices—Notice of Proposed Rulemaking.

Type of Review: New collection.

Respondents: State and local governments; small businesses.

Number of Respondents: The Commission asks commenters to provide estimates of the volume of waivers and requests for declaratory rulings we might expect to receive on an annual basis. At this time, we estimate parties will annually prepare 200 requests for declaratory rulings and 100 petitions for waivers; for an annual total of 300 respondents.

Estimated Time Per Response: Preparation of a request for declaratory ruling prepared without outside counsel will require an average of 10 hours, and

if using outside counsel would require 1 hour. Preparation of a waiver request is estimated to require an average of 2 hours without outside counsel, and if using outside counsel would require 1 hour.

Total Annual Burden: It is estimated that 50% of declaratory rulings will be prepared without outside counsel and 50% of parties will hire outside counsel. The estimated burden to coordinate information with outside counsel will be 1 hour. 100 (50% without outside counsel)×10 hours=1,000 hours; and 100 (50% with outside counsel)×1 hour=100 hours, for a burden of 1,100 hours. It is estimated that 90% of petitions for waivers will be prepared without outside counsel. The other 10% will hire outside counsel, and the estimated burden to coordinate information with outside counsel will be 1 hour. 90 (90% without outside counsel)×2 hours=180 hours; and 10 (10% with outside counsel)×1 hour=10 hours, for a burden of 190 hours. The total burden to respondents is therefore 1,100+190=1,290 hours.

Estimated Costs Per Respondent: It is estimated that 100 requests for declaratory rulings and 10 petitions for waivers will be prepared each year through outside counsel. The estimated annual costs are $153,000, illustrated as follows: 100 declaratory rulings×10 hours×$150/hr.=$150,000. 10 petitions for waivers×2 hours×$150/hr.=$3,000

Needs and Uses: Submitted information will be used to evaluate requests for declaratory ruling regarding the reasonableness of state and local restrictions, or requests for waiver of the rule.

I. Notice of Proposed Rulemaking

1. On February 8, 1996, the Telecommunications Act of 1996 (the ''1996 Act'') became law. Section 207 of the 1996 Act directs that the Commission shall, ''pursuant to Section 303 of the Communications Act, promulgate regulations to prohibit restrictions that impair a viewer's ability to receive video programming services through devices designed for over-the-air reception of television broadcast signals, multichannel multipoint distribution service, or direct broadcast satellite services.'' In this Notice of Proposed Rulemaking, we address the statutory mandate with regard to television broadcast service (''TVBS'') and multichannel multipoint distribution service (''MMDS'').

2. In a recent Report and Order and Further Notice of Proposed Rulemaking, FCC 96–78 (released March 11, 1996) (61 FR 10710, March 15, 1996) (''Order and Further Notice''), the Commission considered the issue of preemption of state or local restrictions, such as zoning ordinances, on devices used to receive direct broadcast satellite (''DBS'') services. Noting that section 207 expands the range of preemption to include non-governmental entities such as homeowners' associations, the Order and Further Notice proposes a per se preemption of restrictions imposed by non-governmental entities as they affect reception of DBS signals. In this Notice of Proposed Rulemaking, we seek to provide similar implementation of section 207 regarding TVBS and MMDS.

3. In the Order and Further Notice we adopted a rule for satellite receivers less than one meter in diameter, including DBS receivers. Section 207 of the 1996 Act groups TVBS, MMDS, and DBS receiving devices together, which suggests that they should be treated similarly. However, antennas used to receive TVBS signals can be of various forms and sizes, and may not always be comparable to DBS antennas. Therefore, while we propose a rule for TVBS and MMDS devices that does not draw distinctions among receivers based on size, we invite comments on whether and when such distinctions might be justified, within the Commission's authority to implement the statutory language pursuant to section 303 of the Communications Act.

4. The Order and Further Notice establishes a presumption that restrictive state or local regulations are unreasonable, and therefore preempts them, if they affect the installation, maintenance, or use of a satellite earth station antenna that is one meter or less in diameter. The presumption could be rebutted by obtaining a ''final declaration'' from the Commission or a court of competent jurisdiction that the state or local regulation is both necessary to accomplish a clearly defined and expressly stated health or safety objective, and as narrowly drawn as possible to accomplish that objective. We tentatively conclude that this same presumption is applicable to MMDS and TVBS antennas. In the Order and Further Notice we also determined that any state or local authority that wished to maintain and enforce regulations inconsistent with the preemption rule could apply to the Commission for a full or partial waiver. Such a request must show local concerns of a highly specialized or unusual nature, and must include the particular regulation for which waiver is sought. We tentatively conclude that this determination applies to MMDS and TVBS as well. We solicit comment on this tentative conclusion and proposed rule, and specifically ask commenters to provide estimates of the volume of waivers we might expect under this proposed rule. We ask, too, whether any workable alternative approach exists that would reduce the burden on this Commission.

5. As we did in the Order and Further Notice, we note that antenna users and local governments are free to pursue litigation remedies in federal or state courts if they wish to forego Commission review. Further, our recently adopted rule states that no civil, criminal, administrative, or other legal action of any kind shall be taken to enforce any regulation covered by this presumption unless the promulgating authority has obtained a waiver from the Commission or a final declaration from the Commission or a court of competent jurisdiction that the presumption has been rebutted. We tentatively find that this approach is appropriate here as well.

II. Initial Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, the Commission's Initial Regulatory Flexibility Analysis with respect to the NPRM is as follows:

6. *Reason for Action*: The rulemaking is initiated to obtain comment on the implementation of Section 207 of the Telecommunications Act of 1996, Public Law 104–104, 110 Stat. 56 (1996), as it applies to over-the-air reception of television broadcast signals and multichannel multipoint distribution services.

7. *Objectives:* The Commission seeks to evaluate whether our proposed rule preempting non-federal restrictions will enhance viewers' ability to receive video programming services through devices designed for over-the-air reception of television broadcast signals and multichannel multipoint distribution services.

8. *Legal Basis:* The proposed action is authorized under Sections 1 and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 303, and Section 207 of the Telecommunications Act of 1996, Public Law 104–104, 110 Stat. 56 (1996).

9. *Reporting, Recordkeeping, and Other Compliance Requirements:* State and local governments propounding regulations which restrict the installation, maintenance or use of devices designed for receiving over-the-air signals of television broadcast and multichannel multipoint distribution services may request declaratory rulings from the Commission that their regulations are reasonable, or may petition the Commission for waiver of the rule.

10. *Federal Rules that Overlap, Duplicate or Conflict with These Requirements:* None.

11. *Description, Potential Impact and Number of Small Entities Involved:* Any policies or regulations adopted in this proceeding could affect state, local, and nongovernmental regulatory entities, as well as small businesses that install or use devices designed for over-the-air reception of television broadcast signals and multichannel multipoint distribution services.

12. *Any Significant Alternatives Minimizing the Impact on Small Entities Consistent with the Stated Objectives:* This Notice solicits comments on any suggested alternatives.

III. Initial Paperwork Reduction Act of 1995 Analysis

13. This NPRM contains either a proposed or modified information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (''OMB'') to take this opportunity to comment on the information collections contained in this NPRM, as required by the Paperwork Reduction Act of 1995, Public Law No. 104–13. Public and agency comments are due at the same time as other comments on the NPRM; OMB comments are due June 17, 1996. Comments should address: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

IV. Procedural Provisions

14. *Ex parte Rules—Non-Restricted Proceeding.* This is a non-restricted notice and comment rulemaking proceeding. Ex parte presentations are permitted, provided that they are disclosed as provided in Commission's rules. *See generally* 47 CFR 1.1202, 1.1206.

15. Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments on or before May 6, 1996, and reply comments on or before May 21, 1996. To file formally in this proceeding, you must file an original and six copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original and eleven copies. Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554, with a copy to Randi Albert of the Cable Services Bureau, 2033 M Street, N.W., Room 700Q, Washington, D.C. 20554. Parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, International Transcription Services, Inc., 2100 M Street, N.W., Suite 140, Washington, D.C. 20037. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, 1919 M Street, N.W., Room 239, Washington, D.C. 20554.

V. Ordering Clauses

16. It is ordered that, pursuant to Section 207 of the Telecommunications Act of 1996; and Sections 1, 303, of the Communications Act of 1934, as amended, 47 U.S.C. 151, 303(r), Notice is hereby given of proposed implementation of Section 207 of the Telecommunications Act of 1996, in accordance with the proposals, discussions, and statement of issues in this NPRM and Comment is Sought regarding such proposals, discussions, and statements of issues.

17. It is further ordered that the Secretary shall send a copy of this NPRM, 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 96–354, 94 Stat. 1164, 5 U.S.C. 601 et seq. (1981).

18. For additional information regarding this proceeding, contact Randi Albert or Jacqueline Spindler, Consumer Protection and Competition Division, Cable Services Bureau (202) 416–0800.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–9491 Filed 4–17–96; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 651

[Docket No. 960216032–6107–02; I.D. 032196D]

RIN 0648–AH70

Northeast Multispecies Fishery; Amendment 7; Resubmission of Disapproved Measure

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes amending its proposed regulations published on March 5, 1996, to implement Amendment 7 to the Northeast Multispecies Fishery Management Plan (FMP) in order to implement a resubmitted part of the amendment that was initially disapproved on February 14, 1996. The New England Fishery Management Council (Council) has clarified that the proposed measure to increase fishing time would apply to all vessels using large mesh. The intended effect of this measure is to promote conservation by providing an equitably applied incentive to use nets constructed of mesh that are larger than the minimum size.

DATES: Comments on this proposed rule must be received by May 15, 1996.

ADDRESSES: Comments should be sent to Dr. Andrew A. Rosenberg, Director, Northeast Regional Office, NMFS, 1 Blackburn Drive, Gloucester, MA 01930. Mark on the outside of the envelope ''Comments on Large Mesh Individual DAS vessels.''

FOR FURTHER INFORMATION CONTACT: Susan A. Murphy, Fishery Policy Analyst, 508–281–9252.

SUPPLEMENTARY INFORMATION: The Council submitted Amendment 7 to the FMP on February 5, 1996. After a preliminary evaluation, the following three measures in the amendment were disapproved on February 14, 1996: An additional allowance of days at sea for trawl vessels enrolled in the Individual Days-at-Sea (DAS) category that use 8–inch (20.32–cm) mesh; a 300–lb (136.1–kg) possession limit of regulated species for vessels that use 8–inch (20.32–cm) mesh in an exempted fishery; and the establishment of a limited access category for vessels that fished in the Possession Limit Open Access category under Amendment 5. The remainder of