

**47 CFR Part 73****[MM Docket No. 96-147, RM-8832]****Radio Broadcasting Services; Prentiss, MS****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition by O'Neal Broadcasting Corporation proposing the allotment of Channel 285A at Prentiss, Mississippi, as an additional FM service. Channel 285A can be allotted to Prentiss in compliance with the Commission's minimum distance separation requirements with a site restriction of 13.1 kilometers (8.1 miles) southwest to avoid short-spacing conflicts with the licensed sites of Station WXHR(FM), Channel 283C1, Hattiesburg, Mississippi, and Station WBKJ(FM), Channel 286C1, Kosciusko, Mississippi. The coordinates for Channel 285A at Prentiss are 31-29-43 and 89-55-43.

**DATES:** Comments must be filed on or before September 3, 1996, and reply comments on or before September 18, 1996.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Rusty O'Neal, President, O'Neal Broadcasting Corporation, P.O. Box Q, Monticello, Mississippi, 39654 (Petitioner).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 96-147, adopted July 12, 1996, and released July 19, 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, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in

Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts. For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 622****[Docket No. 960807218-6218-01; I.D. 072996D]****RIN 0648-AG89****Reef Fish Fishery of the Gulf of Mexico; Red Snapper Management Measures**

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS issues this proposed rule to implement certain provisions of a regulatory amendment prepared by the Gulf of Mexico Fishery Management Council (Council) in accordance with framework procedures for adjusting management measures of the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The regulatory amendment would increase the annual commercial quota for red snapper; reopen the commercial red snapper fishery on September 15, 1996, to allow harvest of the remainder of the 1996 quota; split the 1997 commercial quota between two seasons, the first beginning on February 1 with a quota of 3.06 million lb (m lb) (1.39 million kg (m kg)) and the second beginning on September 15, 1997, with a quota equal to the unharvested balance of the annual commercial quota; extend the rebuilding schedule for red snapper; and increase the total allowable catch (TAC) of red snapper. The intended effect of this proposed rule is to maximize the economic benefits from the red snapper resource

within the constraints of the rebuilding program for this overfished resource.

**DATES:** Written comments must be received on or before August 30, 1996.

**ADDRESSES:** Comments on the proposed rule must be sent to Robert Sadler, Southeast Region, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Requests for copies of the framework regulatory amendment, which includes an addendum, environmental assessment, a regulatory impact review (RIR), and an initial regulatory flexibility analysis (IRFA), should be sent to the Gulf of Mexico Fishery Management Council, 5401 W. Kennedy Boulevard, Suite 331, Tampa, FL 33609-2486.

**FOR FURTHER INFORMATION CONTACT:** Robert Sadler, 813-570-5305.

**SUPPLEMENTARY INFORMATION:** The reef fish fishery of the Gulf of Mexico is managed under the FMP. The FMP was prepared by the Council and is implemented by regulations at 50 CFR part 622 under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

Disapproval of Proposed Size Limit Reductions

The regulatory amendment submitted by the Council would have reduced the minimum size limit for red snapper taken under the commercial quota from 15 inches (38.1 cm) to 14 inches (35.6 cm), and eliminated the FMP's automatic size limit increase to 16 inches (40.6 cm) scheduled for January 1, 1998. Based on a preliminary evaluation of the regulatory amendment, NMFS concluded that these proposed measures are inconsistent with National Standard 1 of the Magnuson Act and the agency's policy of risk-averse decision-making. National Standard 1 requires that conservation and management measures prevent overfishing. The agency's risk-averse policy requires that NMFS give the benefit of the doubt to conservation of the fishery resource in situations involving scientific or other uncertainty about the effects of management actions on the resource. Recovery of the red snapper stock under the FMP's management program is contingent upon achieving a 50-percent reduction in shrimp trawl bycatch of juvenile red snapper beginning in 1997. In the absence of actually achieving the required level of reduction of shrimp trawl bycatch mortality, NMFS concluded that the proposed size limit measures could adversely affect rebuilding of the stock. In addition, NMFS believes that the proposed size limit measures may be inconsistent with