FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 96–180, adopted August 30, 1996, and released September 6, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC 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, International Transcription Services, 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* cont acts 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.

[FR Doc. 96–23622 Filed 9–13–96; 8:45 am]

BILLING CODE 6712–01–F

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47 CFR Part 73

[MM Docket No. 96–178; RM–8865]

Radio Broadcasting Services; Hollis, OK

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by The Hollis Group to allot Channel 267C3 to Hollis,OK, as the community's first local aural transmission service. Channel 267C3 can be allotted to Hollis in compliance with the Commission's minimum distance separation requirements with a site restriction of 17.0 kilometers (10.5 miles) west, at coordinates 34–41–25 NL; 100–06–00 WL, to avoid a short-spacing to Station KLAW, Channel 268C1, Lawton, OK. The Commission also proposes to delete vacant and unapplied-for Channel 223A from Hollis unless an expression of interest in use of the channel is submitted during the initial comment period in this proceeding.

DATES: Comments must be filed on or before October 28, 1996, and reply comments on or before November 12, 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: Lee J. Peltzman, Esq., Shainis & Peltzman, Chartered, 1901 L Street, NW., Suite 290, Washington, DC 20036 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No.96–178, adopted August 30, 1996, and released September 6, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC 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, International Transcription Services, 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.

[FR Doc. 96–23619 Filed 9–13–96; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No.96–179, RM–8859]

Radio Broadcasting Services; Sunburg, MN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Lac Qui Parle Broadcasting Company, Inc., proposing the allotment of Channel 293A to Sunburg, Minnesota, as that community's first local service. Channel 293A can be allotted to Sunburg without a site restriction at coordinates 45–20–54 and 95–14–12.

DATES: Comments must be filed on or before October 28, 1996, and reply comments on or before November 12, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Maynard R. Myer, Vice President, Lac Qui Parle Broadcasting Co., Inc., 623 W. 3rd Street, P.O. Box 70, Madison, Minnesota 56256.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 96–179, adopted August 30, 1996, and released September 12, 1996. 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, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of l980 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* contact.

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.

[FR Doc. 96–23618 Filed 9–13–96; 8:45 am]

BILLING CODE 6712–01–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 285 and 630

[I.D. 082996A]

Atlantic Tuna Fisheries and Atlantic Swordfish Fishery; Offshore Resource Management Corporation Petition

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

ACTION: Denial of petition for rulemaking.

SUMMARY: NMFS hereby announces denial of the petition for rulemaking submitted by the Offshore Resource Management Corporation (ORMC). ORMC petitioned NMFS to amend the tuna regulations to make pair trawling an authorized gear type for non-bluefin tunas and amend the swordfish regulations to increase the swordfish bycatch limit for the pair trawl fishery.

ADDRESSES: Copies of the ORMC petition for rulemaking are available upon request from William Hogarth, Highly Migratory Species Management Division, Office of Sustainable Fisheries (F/SF), NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3282.

FOR FURTHER INFORMATION CONTACT: William Hogarth, 301-713-2347.

SUPPLEMENTARY INFORMATION:

Background

Regulations implemented under the authority of the Atlantic Tunas Convention Act (ATCA) (16 U.S.C. 971 *et seq.*) governing the harvest of Atlantic tunas by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 285. The Atlantic swordfish fishery is managed under the Fisheries Management Plan for Atlantic Swordfish (FMP) and its implementing regulations at 50 CFR part 630 issued under the authority of the Magnuson Fisheries Conservation and Management Act (16 U.S.C. 1801 *et seq.*) and ATCA. Regulations issued under the authority of ATCA carry out the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT).

On March 1, 1996, ORMC submitted a petition to NMFS to undertake rulemaking to permanently authorize pair trawling in the non-bluefin Atlantic tuna fisheries and increase the swordfish bycatch limit for the pair trawl fishery. In the preamble to the 1996 proposed rule for Atlantic tunas (61 FR 18366, April 25, 1996), NMFS requested comments on the petition as part of the rulemaking process.

NMFS Response to the ORMC Petition

NMFS has evaluated all relevant information, including comments from the public, and has determined that authorizing the use of pair trawls for catching Atlantic tunas is not consistent with the current agency approach to resolving the longterm issue of overcapacity and effort in the Atlantic tunas fishery. The reason for this position is that these stocks are all either fully- or over-exploited, and to increase capacity in these fisheries is inconsistent with NMFS' ongoing efforts to deal comprehensively with total fishing capacity. After initiation of the experimental fishery, ICCAT, at its November 1993 meeting, recommended that member countries limit ''the effective fishing effort exerted on Atlantic yellowfin tuna to 1992 levels.'' The recommendation, as well as earlier concern about the tunas stocks, prompted NMFS to begin its comprehensive review. Action to date includes publication of a control date for tunas, permitting requirements for tunas, sharks, and swordfish, and data collection. In November 1995, NMFS initiated a series of public Limited Access Workshops. Additional scoping meetings for addressing capacity in the tunas fisheries will be held after the fall ICCAT meeting, at which NMFS will obtain further information on the status of the tuna stocks.

The Division of Highly Migratory Species Management has already issued for preliminary review a proposal to implement limited access in the shark and swordfish fisheries. In addition, the bycatch of swordfish is of great concern to NMFS, particularly in view of the overfished status of the swordfish stock. The agency's limited access proposal begins to address these concerns.

Further, as stated in the 1995 Environmental Assessment for the experimental fishery, NMFS' intent at the completion of the experiment and analysis of data was to release the data on the fishery and ask for public comment relative to the long-term status of this fishery. Following this strategy, in conjunction with the comprehensive review, is preferable to accepting this petition. All data will be released to the public.

Data from the experimental pair trawl fishery show considerable incidental take of marine mammals. Allowing this additional gear into the open-access yellowfin tuna fishery, which already interacts with marine mammals, could result in increased marine mammal mortality. Authorizing such a new gear type in these circumstances would be inimical to the overarching purpose of the MMPA amendments that commercial fisheries reduce incidental mortality to insignificant levels approaching a zero mortality and serious injury rate.

Public Comments

Numerous comments were received via letter, telephone, and at the public hearings held on the proposed rule. Those commenters who supported ORMC's petition stated that the pair trawl fishery is highly selective in terms of species and size, and results in very few interactions with marine mammals. Supporters felt that NMFS should reward the efforts and investments of pair trawl fishermen, who seek to improve harvest methods and reduce damage to fisheries resources. Some stated that pair trawling is an efficient means of harvesting albacore, bigeye, and yellowfin tuna and has no detrimental effect on traditional fisheries. Others noted that pair trawlers supply quality non-bluefin tuna to the Japanese market.

Commenters who opposed ORMC's petition wrote that authorization of pair trawling would allow increased effort in an already fully- or over-exploited fishery. Some felt that the increased fishing effort could be construed as a withdrawal of the U.S. commitment to conservation as espoused through ICCAT agreements. NMFS also received comments expressing concern about gear conflicts and the hazards of pair trawl practices to other vessels and crew. A few individuals commented that any negative economic impact on local communities, resulting from pair trawl authorization, would far outweigh the benefits to a small number of commercial fishermen. Others expressed concern that the operation of pair trawls is hazardous to other vessels and vessel operators.

Decision

In summary, the petition requests that NMFS allow a new and non-traditional gear type to enter the Atlantic tuna fisheries. NMFS has determined that the Atlantic tuna fisheries are fully exploited or overexploited and ongoing