

in these services will be required to demonstrate that they meet the criteria set forth in quality as small businesses. See generally 47 CFR Part 1, Subpart Q (competitive bidding proceedings). Any small business applicant wishing to avail itself of small business provisions will need to make the general financial disclosures necessary to establish that the small business is in fact small.

15. If this occurs, prior to auction each small business applicant will be required to submit an FCC Form 175, OMB Clearance Number 3060-0600. The estimated time for filling out an FCC Form 175 is 45 minutes. In addition to filing an FCC Form 175, each applicant must submit information regarding the ownership of the applicant, any joint venture arrangements or bidding consortia that the applicant has entered into, and financial information which demonstrates that a small business wishing to qualify for installment payments and bidding credits is a small business. Applicants that do not have audited financial statements available will be permitted to certify to the validity of their financial showings. While many small businesses have chosen to employ attorneys prior to filing an application to participate in an auction, the rules are proposed so that a small business working with the information in a bidder information package can file an application on its own. When an applicant wins a license, it will be required to submit an FCC Form 494 (common carrier) or FCC Form 402 (private radio), which will require technical information regarding the applicant's proposals for providing service. This application will require information provided by an engineer who will have knowledge of the systems design. (Also, the Commission is currently developing a single, consolidated MAS form, FCC Form 415, which will eventually supersede both Form 494 and Form 402.)

*F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposals*

16. None.

*G. Significant Alternatives Minimizing the Impact on Small Entities Consistent With the Stated Objectives*

17. The *NPRM* solicits comment on a variety of proposals, some of which are described below. Any significant alternatives presented in the comments will be considered. As noted, we have requested comment regarding the establishment of a small business definition for MAS. We also seek comment generally on the existence of small entities in MAS and how many total entities, existing and potential, would be affected by the proposed rules in the *NPRM*. Finally, we request that each commenter identify whether it is a "small business" under either of the two SBA definitions described *supra*—either employing fewer than 1,500 employees (for radiotelephone communications companies) or having annual receipts of \$5 million or less (for telegraph or other message communications companies).

18. The Commission expects that licensing subscriber-based MAS bands by geographic area, as proposed, will assist small

businesses. As described *supra*, such licensing makes expansion of operations easier, and this flexibility assists all licensees, including small business licensees. We also believe that the proposed EA geographic area service area is large enough to support the services contemplated while being small enough to be attractive to small business entities. The *NPRM* also proposes a purely private allocation for licenses using MAS solely for internal uses. In addition, the proposed flexible approach to the build-out of MAS systems will assist licensees, including small business licensees, in designing and implementing their particular business plans, while the partitioning and disaggregation proposals will assist those small businesses that might otherwise be unable to acquire a "full" license as currently configured. Finally, we believe that the proposed spectrum auction will assist small entities desiring to obtain MAS licenses. This approach gets licenses to those most likely to use them most effectively. By contrast, when awarding licenses by lotteries it is only coincidental when the license is awarded to the entity best suited to using the license. Using lotteries, therefore, creates uncertainty for all would-be licensees, including those that are small business. We seek comment on all proposals and alternatives described in the *NPRM*, and the impact that such proposals and alternatives might have on small entities.

[FR Doc. 97-6166 Filed 3-11-97; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 300

[I.D. 021197C]

#### International Code of Conduct for Responsible Fisheries; Second Draft Implementation Plan

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

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** NMFS announces the availability of a second Draft Implementation Plan (Plan) for the Code of Conduct for Responsible Fisheries (Code) and invites review and comment. The purpose and intended effect of this action is to improve the document and inform the public of its content.

**DATES:** Comments should be submitted on or before April 28, 1997

**ADDRESSES:** Send comments to Matteo Milazzo, International Fisheries Division, Office of Sustainable Fisheries, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Matteo Milazzo, 301-713-2276.

**SUPPLEMENTARY INFORMATION:** On July 25, 1996, NMFS announced the availability of an initial Plan for the Code in the Federal Register (61 FR 38703) and requested comments by September 23, 1996. At the close of this period, it became clear that several of the public comments raised substantive issues. During the same period, two other relevant developments took place. First, the Congress passed numerous and significant amendments to the Magnuson-Stevens Fishery Conservation and Management Act in the form of the Sustainable Fisheries Act (SFA) and, second, NOAA/NMFS moved into the final and substantive phase of its long-term program planning exercise, the NMFS Fisheries Strategic Plan.

The requirements of the SFA and the Strategic Plan point in the same directions as the Code. In effect, NMFS will implement the Code domestically as it carries out its Congressionally mandated responsibilities and the objectives of the Strategic Plan. Accordingly, NMFS has redrafted the Plan, taking into account (1) the comments received on the first draft; (2) the guidance provided by Congress in the Sustainable Fisheries Act; and (3) the long-term program planning that is being developed through the NMFS Fisheries Strategic Plan.

With this notice, NMFS notifies the public of the second draft's availability for comment. It includes the Agency's definition of a sustainable fishery, i.e., one in which the rate or level of fishing mortality does not jeopardize the capacity of the fishery to produce the maximum sustainable yield on a continuing basis.

For further background and rationale for the Plan, please refer to the notice of availability published on July 25, 1996.

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

Dated: March 6, 1997.

Nancy Foster,

*Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.*

[FR Doc. 97-6193 Filed 3-11-97; 8:45 am]

BILLING CODE 3510-22-F

#### 50 CFR Part 630

[I.D.030597B]

#### Atlantic Tuna Fisheries; Public Hearings

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

**ACTION:** Notice of public hearings; request for comments.

**SUMMARY:** NMFS will hold four public hearings to receive comments from fishery participants and other members of the public regarding proposed amendments to regulations governing the Atlantic tuna fisheries. The proposed rule would amend regulations governing the Atlantic tuna fisheries to: Divide the large school-small medium size class quota and the large medium-giant quotas of Atlantic Bluefin Tuna (ABT) into north and south regional subquotas; establish a new tuna permit program to provide for category changes, annual renewals and the collection of fees; establish authority for self-reporting for ABT landed under the Angling category; prohibit the retention of ABT less than the large medium size class by vessels permitted in the General category; prohibit all fishing by persons aboard vessels permitted in the General category on designated restricted-fishing days; and prohibit the use of spotter aircraft except in purse seine fisheries. The proposed regulatory amendments are necessary to achieve domestic management objectives for the Atlantic tuna fisheries.

**DATES:** See **SUPPLEMENTARY INFORMATION** for dates, times, and locations of the public hearings. Written comments on the proposed rule must be received on or before March 31, 1997.

**ADDRESSES:** See **SUPPLEMENTARY INFORMATION** for the public hearing locations. Written comments should be sent to Rebecca Lent, Acting Chief, Highly Migratory Species Management Division (F/SF1), National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. Clearly mark the outside of the envelope "Atlantic Tuna Comments."

**FOR FURTHER INFORMATION CONTACT:** Mark Murray-Brown at 508-281-9260 for the Gloucester, MA, hearing or Christopher Rogers at 301-713-2347 for other hearings, or for general information.

**SUPPLEMENTARY INFORMATION:** The proposed regulatory amendments that are the subject of the hearings are necessary to improve management and monitoring of the U.S. Atlantic tuna fisheries, to implement the 1996 International Commission for the Conservation of Atlantic Tunas (ICCAT) recommendations, and to enhance collection of data to improve assessment of the environmental, economic, and social impacts of the fisheries.

A complete description of the measures, and the purpose and need for the proposed action, is contained in the

proposed rule published March 4, 1997 (62 FR 9726) and is not repeated here. Copies of the proposed rule may be obtained by writing (see **ADDRESSES**) or calling one of the contact persons (see **FOR FURTHER INFORMATION CONTACT**).

The proposed rule provided a comment period of 30 days duration ending on March 31, 1997.

The public hearing schedule is as follows:

*Tuesday, March 18, 1997, Gloucester, MA, 7-9 p.m.* Milton Fuller School (on Blackburn Circle) 4 School House Rd. Gloucester, MA 01930

For information call: (508) 281-9260  
*Thursday, March 20, 1997, Manteo, NC, 7-9 p.m.* North Carolina Aquarium Airport Road Manteo, NC 27954  
For information call: (301) 713-2347

*Tuesday, March 25, 1997, Toms River, NJ, 7-9 p.m.* Holiday Inn 290 State Highway 37 East Toms River, NJ 08753  
For information call: (301) 713-2347

*Thursday, March 27, 1997, Silver Spring, MD, 9 a.m. - 12 noon* NOAA/NMFS

1305 East-West Highway, Room 1W611 Silver Spring, MD 20910  
For information call: (301) 713-2347

The purpose of this notice is to alert the interested public of hearings and provide for public participation. These hearings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Rebecca Lent by March 14, 1997 (see **ADDRESSES**).

Authority: 16 U.S.C. 971 *et seq.*

Dated: March 6, 1997.

Bruce Morehead,

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.* [FR Doc. 97-6195 Filed 3-11-97; 8:45 am]

**BILLING CODE 3510-22-F**

## **50 CFR Part 648**

**[I.D. 022897B]**

### **Mid-Atlantic Fishery Management Council; Public Hearings**

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

**ACTION:** Public hearings; request for comments.

**SUMMARY:** The Mid-Atlantic Fishery Management Council (Council) will

hold public hearings to allow for input on Amendment 10 to the Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries (FMP).

**DATES:** Written comments on Amendment 10 will be accepted until April 25, 1997. The public hearings are scheduled to be held from March 25 to April 10, 1997. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

**ADDRESSES:** Send comments to David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 South New Street, Dover, DE 19904.

The hearings will be held in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Maryland, Virginia, and North Carolina. See **SUPPLEMENTARY INFORMATION** for locations of the hearings.

**FOR FURTHER INFORMATION CONTACT:** David R. Keifer, Executive Director, 302-674-2331.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Amendments 2 through 9 to the FMP, as adopted by the Council and the Atlantic States Marine Fisheries Commission and approved by NMFS, established procedures for setting annual catch specifications, including recreational harvest limits and commercial quotas, for summer flounder, scup, and black sea bass, established minimum fish sizes, required that commercial vessels and party and charter boats obtain permits, established overfishing definitions for the three species, established limited entry of additional vessels into the fisheries for the three species, implemented minimum mesh net regulations in the three fisheries and developed a dealer and vessel reporting system.

The preferred management measures for Amendment 10 adopted by the Council for hearings are:

1. Modify the commercial minimum mesh regulations such that the minimum mesh provisions (currently 5.5-inch (13.10 cm) diamond mesh) apply to the entire net;
2. Continue the moratorium on entry of additional commercial vessels into the summer flounder fishery;
3. Remove the requirement that a vessel with a moratorium permit must land summer flounder at some point during a 52-week period to retain the moratorium permit;
4. Require that states document all summer flounder commercial landings in their state that are not otherwise