

concern has control, or potential control, of the other concern.

(10) *Affiliation under joint venture arrangements.* (i) A joint venture for size determination purposes is an association of concerns or individuals (or both), with interests in any degree or proportion, formed by contract, express or implied, to engage in and carry out a single, specific business venture for joint profit for which purpose they combine their efforts, property, money, skill and knowledge, but not on a continuing or permanent basis for conducting business generally. The determination whether an entity is a joint venture is based upon the facts of the business operation, regardless of how the business operation may be designated by the parties involved. An agreement to share profits/losses proportionate to each party's contribution to the business operation is a significant factor in determining whether the business operation is a joint venture.

(ii) The parties to a joint venture are considered to be affiliated with each other.

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 87-267; FCC 97-68]

#### Implementation of the AM Expanded Band Allotment Plan

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; petitions for reconsideration.

**SUMMARY:** In Implementation of the AM Expanded Band Allotment Plan, FCC 97-68, the Federal Communications Commission granted in part and denied in part petitions for reconsideration of Comments in Response to Reconsideration of Implementation of the AM Expanded Band and Allotment Plan, FCC 96-113, April 18, 1996 (61 FR 16878), and Public Notice, Mass Media Bureau Announces Revised Expanded AM Broadcast Band Improvement Factors and Allotment Plan, DA 96-408 (released March 22, 1996). By this action the Commission rescinds the second allotment plan for the AM expanded band, i.e., 1605-1705 kHz, modifies the frequency preclusion program, and eliminates software and coding errors in the frequency preclusion and allotment computer programs. This action was taken to

ensure that the stations assigned expanded band frequencies would protect existing stations, conform to international agreements, and provide interference-free reception within their service areas.

**EFFECTIVE DATE:** March 17, 1997.

**FOR FURTHER INFORMATION CONTACT:** Peter H. Doyle, Audio Services Division, Mass Media Bureau, (202) 418-2625.

**SUPPLEMENTARY INFORMATION:** Concurrent with the release of Implementation of the AM Expanded Band Allotment Plan, the Commission's Mass Media Bureau released a Public Notice announcing a revised eighty-eight station Expanded Band Allotment Plan in the frequency band between 1605 and 1705 kHz. The Revised Expanded Band Allotment Plan identifies stations eligible for specific allotments. See Public Notice DA 97-537, released March 17, 1997. Such licensees will also be notified individually by letter. Identified stations are afforded until June 16, 1997 to file an application for construction permit on the allotted channel. Applications will be subject to petitions to deny but not to competing applications. Each Expanded Band permittee, following grant of construction permit applications and construction of authorized facilities, will be required to file an application for covering license on FCC Form 302. Expanded Band licensees will receive authorizations permitting dual frequency operations for a period not to exceed five years. The full text of the Implementation of the AM Expanded Band Allotment Plan, FCC 97-68, adopted February 27, 1997 and released March 17, 1997 is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, D.C. (See MM Docket 87-267). The complete text of this order may also be purchased from the Commission's copy contractor, International Transcription Service (ITS), 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 970226037-7094-02; I.D. 022197F]

RIN 0648-AJ39

#### Fisheries of the Exclusive Economic Zone Off Alaska; Management Measures to Reduce Seabird Bycatch in the Hook-and-Line Groundfish Fisheries

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues regulations to require operators of hook-and-line vessels fishing for groundfish in the Bering Sea and Aleutian Islands management area (BSAI) and the Gulf of Alaska (GOA), and operators of hook-and-line vessels that are required to obtain a Federal permit and are fishing for groundfish in Alaskan waters adjacent to the BSAI and to the GOA, to conduct fishing operations in a specified manner, and to employ specified bird avoidance techniques to reduce seabird bycatch and incidental seabird mortality. This measure is necessary to mitigate hook-and-line fishery interactions with the short-tailed albatross, an endangered species protected under the Endangered Species Act (ESA), and other seabird species. This measure is intended to accomplish the objectives of the ESA and of the Fishery Management Plan for Groundfish of the Gulf of Alaska and the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (Groundfish FMPs) with respect to the management of the GOA groundfish fishery and the BSAI groundfish fishery and the marine environment.

**EFFECTIVE DATE:** May 29, 1997.

**ADDRESSES:** Copies of the Environmental Assessment/Regulatory Impact Review/Final Regulatory Flexibility Analysis (EA/RIR/FRFA) prepared for the final rule may be obtained from the North Pacific Fishery Management Council, Suite 306, 605 West 4th Avenue, Anchorage, AK 99501-2252; telephone: 907-271-2809.

**FOR FURTHER INFORMATION CONTACT:** Kim S. Rivera, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** The U.S. groundfish fisheries of the GOA and the BSAI in the Exclusive Economic Zone