

Federal Communications Commission.

John A. Karousos,
Chief, Allocations Branch, Policy and Rules
Division, Mass Media Bureau.

[FR Doc. 97-13294 Filed 5-20-97; 8:45 am]

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**FEDERAL COMMUNICATIONS
COMMISSION**

47 CFR Part 73

[MM Docket No. 97-85; RM-9026]

**Radio Broadcasting Services;
Belgrade, MT**

AGENCY: Federal Communications
Commission.

ACTION: Final rule.

SUMMARY: Action in this document allots Channel 256A to Belgrade, Montana, as that community's second FM broadcast service in response to a petition filed by Gallatin Valley Witness, Inc. See 62 FR 10011, March 5, 1997. The coordinates for Channel 256A at Belgrade are 45-46-36 and 111-10-36. With this action, this proceeding is terminated.

DATES: Effective June 30, 1997. The window period for filing applications for Channel 256A at Belgrade, Montana, will open on June 30, 1997, and close on July 31, 1997.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 97-85, adopted May 7, 1997, and released May 16, 1997. 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.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Montana, is amended by adding Channel 256A at Belgrade.

Federal Communications Commission.

John A. Karousos,

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

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**FEDERAL COMMUNICATIONS
COMMISSION**

47 CFR Part 73

[MM Docket No. 97-74; RM-9011]

**Radio Broadcasting Services; Colstrip,
MT**

AGENCY: Federal Communications
Commission.

ACTION: Final rule.

SUMMARY: Action in this document allots Channel 229A to Colstrip, Montana, as that community's first local broadcast service in response to a petition filed by Windy Valley Broadcasting. See 62 FR 9409, March 3, 1997. The coordinates for Channel 229A at Colstrip are 45-53-00 and 106-37-36. With this action this proceeding is terminated.

DATES: Effective June 30, 1997. The window period for filing applications for Channel 229A at Colstrip, Montana, will open on June 30, 1997, and close on July 31, 1997.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 97-74, adopted May 7, 1997, and released May 16, 1997. 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.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Montana, is amended by adding Colstrip, Channel 229A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-13299 Filed 5-20-97; 8:45 am]

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**NATIONAL TRANSPORTATION
SAFETY BOARD**

49 CFR Parts 801 and 837

**Production of Records in Legal
Proceedings**

AGENCY: National Transportation Safety
Board.

ACTION: Final rules.

SUMMARY: The Board is adopting new rules so as better to manage its document production workload.

DATES: The new rules are effective June 20, 1997.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 314-6080.

SUPPLEMENTARY INFORMATION: At present, the Board has no specific rules governing release of information demanded of it by litigants in legal proceedings in which the NTSB is not a party. In many cases, parties use our Freedom of Information Act rules at Part 801. Others simply purchase documents from our contractor, or contact our Public Inquiries Branch. But, in recent years, more and more parties in private litigation are using subpoenas to seek documents and other physical material from the agency. These subpoenas are often overbroad, may not reflect the types of records and search systems the Board maintains, and may have very short return dates. Yet, once the subpoena is issued, and in the absence of rules such as these (which are also published by other agencies), we often have no option but to file written objections or to process the request in advance of others submitted earlier, albeit not in subpoena form.

Accordingly, we have determined that administrative efficiency and fairness require that we adopt rules to regulate the manner in which documents are requested and document production

requests are processed. Because these rule changes affect only rules of agency organization, procedures, or practice, notice and comment procedures are not required and are not provided here. 5 U.S.C. 553(b)(B).

List of Subjects

49 CFR Part 801

Freedom of information, Information, Public availability.

49 CFR Part 837

Administrative practice and procedure, Freedom of information, Government employees, Investigations.

The NTSB amends 49 CFR Chapter VIII as follows:

1. The authority citation for part 801 is revised to read as follows:

Authority: 5 U.S.C. 552; 49 U.S.C. 1101 et seq.; 18 U.S.C. 641 and 2071.

§ 801.13 [Removed]

- 2. Section 801.13 is removed.
- 3. Part 837 is added to read as follows:

PART 837—PRODUCTION OF RECORDS IN LEGAL PROCEEDINGS

Sec.

837.1 Purpose and scope.

837.2 Applicability.

837.3 Published reports, material contained in the public accident investigation dockets, and accident database data.

837.4 Other material.

Authority: 49 U.S.C. 1101 et seq.; 40101 et seq.; 5 U.S.C. 301.

§ 837.1 Purpose and scope.

(a) This part sets forth procedures to be followed when requesting material for use in legal proceedings (including administrative proceedings) in which the National Transportation Safety Board (NTSB or Board) is not a party, and procedures to be followed by the employee upon receipt of a subpoena, order, or other demand (collectively referred to here as a demand) by a court or other competent authority or by a private litigant. "Material," as used in this part, means any type of physical or documentary evidence, including but not limited to paper documents, electronic media, videotapes, audiotapes, etc.

(b) The purposes of this part are to:

- (1) Conserve the time of employees for conducting official business;
- (2) Minimize the possibility of involving the NTSB in controversial issues not related to its mission;
- (3) Maintain the impartiality of the Board among private litigants;
- (4) Avoid spending the time and money of the United States for private purposes; and

(5) To protect confidential, sensitive information, and the deliberative processes of the Board.

§ 837.2 Applicability.

This part applies to requests to produce material concerning information acquired in the course of performing official duties or because of the employee's official status. Specifically, this part applies to requests for: material contained in NTSB files; and any information or material acquired by an employee of the NTSB in the performance of official duties or as a result of the employee's status. Two sets of procedures are here established, dependent on the type of material sought. Rules governing requests for employee testimony, as opposed to material production, can be found at 49 CFR part 835. Document production shall not accompany employee testimony, absent compliance with this part and General Counsel approval.

§ 837.3 Published reports, material contained in the public accident investigation dockets, and accident database data.

(a) Demands for material contained in the NTSB's official public docket files of its accident investigations, or its computerized accident database(s) shall be submitted, in writing, to the Public Inquiries Branch. Demands for specific published reports and studies should be submitted to the National Technical Information Service. The Board does not maintain stock of these items. Demands for information collected in particular accident investigations and made a part of the public docket should be submitted to the Public Inquiries Branch or, directly, to our contractor. For information regarding the types of documents routinely issued by the Board, see 49 CFR part 801.

(b) No subpoena shall be issued to obtain materials subject to this paragraph, and any subpoena issued shall be required to be withdrawn prior to release of the requested information. Payment of reproduction fees may be required in advance.

§ 837.4 Other material.

(a) *Production prohibited unless approved.* Except in the case of the material referenced in § 837.3, no employee or former employee of NTSB shall, in response to a demand of a private litigant, court, or other authority, produce any material contained in the files of the NTSB (whether or not agency records under 5 U.S.C. 552) or produce any material acquired as part of the performance of the person's official duties or because of the person's official

status, without the prior written approval of the General Counsel.

(b) *Procedures to be followed for the production of material under this paragraph.*

(1) All demands for material shall be submitted to the General Counsel at NTSB headquarters, Washington, DC 20594. If an employee receives a demand, he shall forward it immediately to the General Counsel.

(2) Each demand must contain an affidavit by the party seeking the material or his attorney setting forth the material sought and its relevance to the proceeding, and containing a certification, with support, that the information is not available from other sources, including Board materials described in §§ 837.3 and part 801 of this chapter.

(3) In the absence of General Counsel approval of a demand, the employee is not authorized to comply with the demand.

(4) The General Counsel shall advise the requester of approval or denial of the demand, and may attach whatever conditions to approval considered appropriate or necessary to promote the purposes of this part. The General Counsel may also permit exceptions to any requirement in this part when necessary to prevent a miscarriage of justice, or when the exception is in the best interests of the NTSB and/or the United States.

Issued in Washington, DC, May 16, 1997.

Jim Hall,

Chairman.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 678

[Docket No. 961211348-7106-04; I.D. 041897C]

RIN 0648-AH77

Atlantic Shark Fisheries; Quotas, Bag Limits, Prohibitions, and Requirements

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

ACTION: Final rule; technical amendment.

SUMMARY: NMFS is amending the final regulations governing the Atlantic shark fisheries by combining the recreational bag limits under one paragraph and