

**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. 98-5931 Filed 3-6-98; 8:45 am]

BILLING CODE 6712-01-P

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[MM Docket No. 98-23, RM-9226]

**Radio Broadcasting Services; Bozeman, MT****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition filed by Bozeman Educational Access Radio proposing the allotment of Channel 240C3 to Bozeman, Montana, and the reservation of the channel for noncommercial educational use. The channel can be allotted to Bozeman without a site restriction at coordinates 45-40-48 and 111-02-18.

**DATES:** Comments must be filed on or before April 20, 1998, and reply comments on or before May 5, 1998.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: William R. Smith, President, Bozeman Educational Access Radio, Post Office Box 283, Bozeman, Montana 59771-0283.

**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. 98-23, adopted February 18, 1998, and released February 27, 1998. 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., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800, facsimile (202) 857-3805.

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* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 300**

[Docket No. 980225048-8048-01; I.D. 021898B]

RIN 0648-AK58

**Pacific Halibut Fisheries; Retention of Undersized Halibut in Regulatory Area 4E**

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

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

**SUMMARY:** NMFS issues a proposed rule that would allow the retention of undersized halibut (halibut less than 32 inches, 81.3 centimeters (cm) with the head on; or halibut less than 24 inches, 61 cm) caught with authorized commercial gear in International Pacific Halibut Commission (IPHC) Regulatory Area 4E for personal use. Commercial sale of undersized halibut would remain prohibited. This action is necessary to implement the recommendation of the North Pacific Fishery Management Council (Council) to allow the legal harvest of undersized halibut by persons using Community Development Quota (CDQ) in Regulatory Area 4E. This action is intended to provide for the continued existence of the customary and traditional food practices of indigenous inhabitants by allowing them to retain all halibut caught with deployed gear in Regulatory Area 4E.

**DATES:** Comments must be received by March 24, 1998.

**ADDRESSES:** Comments must be sent to Sue Salvesson, Assistant Administrator for Sustainable Fisheries, Sustainable Fisheries Division, Alaska Region, NMFS, 709 West 9th Street, Room 453, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802, Attention: Lori J. Gravel. Copies of the Environmental Assessment/Regulatory Impact Review (EA/RIR) for this action may be obtained from the above address.

**FOR FURTHER INFORMATION CONTACT:** John Lepore, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** The Convention between the United States and Canada for the Preservation of the Halibut Fishery of the North Pacific Ocean and the Bering Sea (Convention), signed at Ottawa, Ontario, Canada, on March 2, 1953, and amended by a Protocol Amending the Convention, signed at Washington, DC, United States of America, on March 29, 1979, authorizes the IPHC to promulgate regulations for the conservation and management of the Pacific halibut fishery. These regulations must be approved by the Secretary of State of the United States pursuant to section 4 of the Northern Pacific Halibut Act (Halibut Act, 16 U.S.C. 773-773k) that executes the above Convention. The Halibut Act, in section 5, provides that the Regional Fishery Management Council having authority for the geographical area concerned may recommend management measures governing Pacific halibut catch in U.S. Convention waters that are in addition to, but not in conflict with, regulations of the IPHC. Section 5 of the Halibut Act also provides that the Secretary of Commerce (Secretary) shall have the general responsibility to carry out the Convention between the United States and Canada and that the Secretary shall adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and the Halibut Act. The Secretary's authority has been delegated to the Assistant Administrator for Fisheries, NOAA (AA).

In 1996, the Council was requested by Alaska Native tribal organizations to review the prohibition on retaining undersized halibut caught with authorized commercial gear. This request was made on behalf of Western Alaska Natives who retained undersized halibut harvested along with CDQ halibut of commercial length. Traditionally, Western Alaska Natives of Yupik descent keep all fish caught and endeavor to utilize this fish to the fullest extent possible. This practice is in