

authorization during the trial period, it must return the license to the Commission at the end of the twelve months.

24. A new Section 101.77 is added to Subpart B to read as follows:

§ 101.77 Public Safety Licensees in the 1850–1990 and 2110–2200 MHz bands.

(a) Public safety facilities are subject to the three-year voluntary and two-year mandatory negotiation period. In order for public safety licensees to qualify for extended negotiation periods, the department head responsible for system oversight must certify to the ET licensee requesting relocation that:

(1) The agency is a licensee in the Police Radio, Fire Radio, Emergency Medical, Special Emergency Radio Services, or that it is a licensee of other Part 101 facilities licensed on a primary basis under the eligibility requirements of Part 90, Subparts B and C of this chapter; and

(2) The majority of communications carried on the facilities at issue involve safety of life and property.

(b) A public safety licensee must provide certification within thirty (30) days of a request from a ET licensee, or the ET licensee may presume that special treatment is inapplicable. If a public safety licensee falsely certifies to an ET licensee that it qualifies for the extended time periods, this licensee will be in violation of the Commission's rules and will subject to appropriate penalties, as well as immediately subject to the non-public safety time periods.

25. A new Section 101.79 is added to Subpart B to read as follows:

§ 101.79 Sunset provisions for licensees in the 1850–1990 and 2110–2200 MHz bands.

(a) FMS licensees will maintain primary status in the 1850–1990 and 2110–2200 MHz bands unless and until an ET licensee requires use of the spectrum. ET licensees are not required to pay relocation costs after the relocation rules sunset (*i.e.* ten years after the voluntary period begins for the first ET licensees in the service). Once the relocation rules sunset, an ET licensee may require the incumbent to cease operations, provided that the ET licensee intends to turn on a system within interference range of the incumbent, as determined by TIA Bulletin 10-F or any standard successor. ET licensee notification to the affected FMS licensee must be in writing and must provide the incumbent with no less than six months to vacate the spectrum. After the six-month notice period has expired, the FMS licensee must turn its license back into the Commission, unless the parties have

entered into an agreement which allows the FMS licensee to continue to operate on a mutually agreed upon basis.

(b) If the parties cannot agree on a schedule or an alternative arrangement, requests for extension will be accepted and reviewed on a case-by-case basis. The Commission will grant such extensions only if the incumbent can demonstrate that:

(1) It cannot relocate within the six-month period (*e.g.*, because no alternative spectrum or other reasonable option is available), and;

(2) The public interest would be harmed if the incumbent is forced to terminate operations (*e.g.*, if public safety communications services would be disrupted).

26. A new Section 101.81 is added to Subpart B to read as follows:

§ 101.81 Future licensing in the 1850–1990 and 2110–2200 MHz bands.

After April 25, 1996, all major modifications and extensions to existing FMS systems in the 1850–1990 and 2110–2200 MHz bands will be authorized on a secondary basis to ET systems. All other modifications will render the modified FMS license secondary to ET operations, unless the incumbent affirmatively justifies primary status and the incumbent FMS licensee establishes that the modification would not add to the relocation costs of ET licensees. Incumbent FMS licensees will maintain primary status for the following technical changes:

(a) Decreases in power;
(b) Minor changes (increases or decreases) in antenna height;
(c) Minor location changes (up to two seconds);

(d) Any data correction which does not involve a change in the location of an existing facility;

(e) Reductions in authorized bandwidth;

(f) Minor changes (increases or decreases) in structure height;

(g) Changes (increases or decreases) in ground elevation that do not affect centerline height;

(h) Minor equipment changes.

27. Section 101.147 is amended by adding references to note 20 in the entries for frequency ranges 1,850–1,990, 2,130–2,150, 2,150–2,160 and 2,180–2,200 MHz and revising note 20 to read as follows:

§ 101.147 Frequency assignments.

(a) * * *
1,850–1,990 MHz (20)
* * * * *
2,130–2,150 MHz (20) (22)
2,150–2,160 MHz (20) (22)
* * * * *
2,180–2,200 MHz (20), (22)
* * * * *

Notes

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(20) New facilities in these bands will be licensed only on a secondary basis. Facilities licensed or applied for before January 16, 1992, are permitted to make modifications and minor extensions in accordance with § 101.77 and still retain primary status.

* * * * *

(22) Frequencies in these bands are for the exclusive use of Private Operational Fixed Point-to-Point Microwave Service (Part 101).

[FR Doc. 96–14138 Filed 6–11–96; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 301

[Docket No. 960111003–6068–03; I.D. 060496A]

Pacific Halibut Fisheries; 1996 Halibut Landing Report No. 2

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

ACTION: In season action.

SUMMARY: The Assistant Administrator for Fisheries, NOAA, on behalf of the International Pacific Halibut Commission (IPHC), publishes these inseason actions pursuant to IPHC regulations approved by the U.S. Government to govern the Pacific halibut fishery. This action is intended to enhance the conservation of the Pacific halibut stock.

EFFECTIVE DATES: Oregon sport halibut season closure: 11:59 p.m. May 25, 1996 until May 26, 1996; Southwest Washington coast sport halibut fishery closure: 11:59 p.m., May 26, 1996 until May 27, 1996.

FOR FURTHER INFORMATION CONTACT: Steven Pennoyer, 907-586-7221; William W. Stelle, Jr., 206-526-6140; or Donald McCaughran, 206-634-1838.

SUPPLEMENTARY INFORMATION: The IPHC, under the Convention between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (signed at Ottawa, Ontario, on March 2, 1953), as amended by a Protocol Amending the Convention (signed at Washington, DC, on March 29, 1979), has issued this inseason action pursuant to IPHC regulations governing the Pacific halibut fishery.

The regulations have been approved by NMFS (60 FR 14651, March 20, 1995, and amended at 61 FR 11337, March 20, 1996). On behalf of the IPHC, this inseason action is published in the Federal Register to provide additional notice of its effectiveness, and to inform persons subject to the inseason action of the restrictions and requirements established therein.

In Season Action

1996 Halibut Landing Report No. 2

First Oregon Sport Halibut Season to Close May 25

The preliminary catch estimate for the 1996 sport halibut fishery between Cape Falcon (45°46'00" N. lat.) and the Florence North Jetty (Siuslaw River, 44°01'08" N. lat.) indicates the 64,392 lb (29.20 metric tons (mt)) catch limit will be reached on May 25. Therefore, the sport halibut fishery in this area will close at 11:59 p.m. on May 25.

Sport fishing for Pacific halibut will reopen on May 26 and remain open through August 1, 7 days a week, only in the area inside the 30-fathom curve nearest to the coastline as plotted on National Ocean Service charts numbered 18520, 18580, and 18600 from Cape Falcon to the Florence North Jetty (Siuslaw River), or until 6,629 lb (3.0 mt) are estimated to have been taken and the season is closed by the IPHC, whichever occurs first. Any poundage remaining unharvested after the earlier season will be added to this season. The daily bag limit remains two halibut per person, one with a minimum overall size limit of 32 inches (81.28 centimeters (cm)) and the second with a minimum overall size limit of 50 inches (127.0 cm).

First Southwest Washington Coast Sport Halibut Fishery Season to Close May 26

The sport halibut fishery off the Southwest Washington coast (Queets River south to Leadbetter Point) will reach the sub-quota of 14,222 lb at the conclusion of fishing on Sunday, May 26. Therefore, the fishery will close at 11:59 p.m. on Sunday, May 26.

In addition with the pre-season catch sharing plan developed by the

Pacific Fishery Management Council, this fishery will immediately reopen on Monday, May 27, only in the near-shore area (south of the Queets River to 47°00'00" N. lat. and east of 124°40'00" W. long.), until the remaining quota of about 1,000 pounds is reached. The fishery will be open 7 days a week, with a one fish bag limit and no minimum size limit, until the remaining quota is harvested and the season is closed by the Commission or until September 30, whichever occurs first.

Dated: June 4, 1996.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 96-14589 Filed 6-11-96; 8:45 am]

BILLING CODE 3510-22-F

50 CFR Part 675

[Docket No. 960129019-6019-01, I.D. 060696E]

Groundfish of the Bering Sea and Aleutian Islands Area; Trawl Rock Sole/Flathead Sole/"Other Flatfish" Fishery Category

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

ACTION: Closure.

SUMMARY: NMFS is closing the directed fishery for species in the rock sole/flathead sole/"other flatfish" fishery category by vessels using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the second seasonal bycatch allowance of Pacific halibut apportioned to the trawl rock sole/flathead sole/"other flatfish" fishery category in the BSAI.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), June 8, 1996, until 12 noon, A.l.t., July 1, 1996.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS

according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 675.

The second seasonal bycatch allowance of Pacific halibut for the BSAI trawl rock sole/flathead sole/"other flatfish" fishery category, which is defined at § 675.21(b)(1)(iii)(B)(2), was established by the Final 1996 Harvest Specifications of Groundfish (61 FR 4311, February 5, 1996) as 139 metric tons (mt). This fishery was previously closed with the expectation that the second seasonal allocation had been taken (61 FR 16883, April 18, 1996), it was subsequently opened on June 3, 1996, when NMFS determined that 50 mt of halibut mortality remained in the allocation (61 FR 28071, June 4, 1996).

The Director, Alaska Region, NMFS, has determined, in accordance with § 675.21(c)(1)(iii), that the second seasonal bycatch allowance of Pacific halibut apportioned to the trawl rock sole/flathead sole/"other flatfish" fishery in the BSAI has been caught. Therefore, NMFS is prohibiting directed fishing for species in the rock sole/flathead sole/"other flatfish" fishery category by vessels using trawl gear in the BSAI.

Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 675.20(h).

Classification

This action is taken under 50 CFR 675.21 and is exempt from review under E.O. 12866.

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

Dated: June 7, 1996.

Richard H. Schaefer,

Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 96-14925 Filed 6-7-96; 3:52 pm]

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