

on or before 30 days from the date of publication of this Further Notice in the Federal Register in accordance with procedures and standards indicated herein. In addition, it is ordered that, effective immediately as of the close of business on the date of adoption of this Further Notice, the Commission will not accept any additional Petitions for Rule Making proposing to amend the existing TV Table of Allotments in Section 73.606(b) of its rules to add an allotment for a new NTSC station. It is further ordered that, effective immediately as of the close of business on the date of adoption of this Further Notice, the Commission will condition the grant of any modifications of the technical parameters of existing full service NTSC stations on the outcome of this rule making proceeding.

19. This action is being taken pursuant to authority contained in Sections 4(i), 7, 301, 302, 303 and 307 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 157, 301, 302, 303 and 307. This is a non-restricted notice and comment rule making proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission's rules. See generally 47 CFR Sections 1.1202, 1.1203, and 1.1206(a).

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission
William F. Caton,
Acting Secretary.

[FR Doc. 96-21261 Filed 8-20-96; 8:45 am]

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DEPARTMENT OF DEFENSE

48 CFR Parts 225 and 252

[DFARS Case 96-D010]

Defense Federal Acquisition Regulation Supplement; Carbon Fiber

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comment.

SUMMARY: The Director of Defense Procurement is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to rescind the restriction on coal and petroleum pitch carbon fiber and move coverage of the restriction on polyacrylonitrile (PAN) carbon fiber to DFARS Subpart 225.71, since the restrictions are no longer statutory.

DATES: Comment date: Comments on the proposed rule should be submitted in writing to the address shown below on or before October 21, 1996, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Ms. Amy Williams, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax number (703) 602-0350. Please cite DFARS Case 96-D010 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, (703) 602-0131.

SUPPLEMENTARY INFORMATION:

A. Background

Section 8048 of the Fiscal Year 1991 Defense Appropriations Act (Pub. L. 101-511) required DoD to acquire at least 50 percent of the DoD annual requirements for PAN carbon fiber from domestic sources by fiscal year 1992. Section 9040A of the Fiscal Year 1993 Defense Appropriations Act (Pub. L. 102-396) required DoD to acquire 75% of the DoD annual requirements for coal and petroleum pitch carbon fiber from domestic sources by fiscal year 1994. As a result of these statutory provisions, DFARS currently requires use of domestic coal and petroleum pitch carbon fiber and PAN carbon fiber in all acquisitions for major systems that are not yet in production. DoD has decided that the restriction on coal and petroleum pitch carbon fiber is no longer needed. However, as a matter of policy, DoD has decided to retain the restriction on PAN carbon fiber for at least several more years, in order to sustain the domestic suppliers and ensure that DoD will have continued access to the industrial and technological capabilities needed to meet its PAN carbon fiber requirements.

B. Regulatory Flexibility Act

This proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* Although this rule will open up to potential foreign competition the requirements for coal and petroleum pitch carbon fiber on major systems not yet in production, the only known domestic manufacturer of coal and petroleum pitch carbon fiber is a large business. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subparts

also will be considered in accordance with Section 610 of the Act. Such comments must be submitted separately and cite DFARS Case 96-D010 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply. This interim rule does not impose any new information collection requirements which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 225 and 252

Government procurement.

Michele P. Peterson,
Executive Editor, Defense Acquisition Regulation Council.

Therefore, 48 CFR Parts 225 and 252 are proposed to be amended as follows:

1. The authority citation for 48 CFR Parts 225 and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 225—FOREIGN ACQUISITION

225.7013 [Removed and reserved]

2. Section 225.7013 is removed and reserved.

225.7013-1 and 225.7013-2 [Removed]

3. Sections 225.7013-1 and 225.7013-2 are removed.

225.7020 [Removed and reserved]

4. Section 225.7020 is removed and reserved.

225.7020-1 and 225.7020-2 [Removed]

5. Sections 225.7020-1 and 225.7020-2 are removed.

6. Sections 225.7106 through 225.7106-3 are added to read as follows:

225.7106 Polyacrylonitrile (PAN) carbon fiber.

225.7106-1 Policy.

All new major systems must use U.S. or Canadian manufacturers or producers for all PAN carbon fiber requirements.

225.7106-2 Waivers.

Contracting officers may, with the approval of the head of the contracting activity, waive, in whole or in part, the requirement of the clause at 252.225-7022. For example, a waiver is justified if a qualified U.S. or Canadian source cannot meet scheduling requirements.

225.7106-3 Contract clause.

Use the clause at 252.225-7022, Restriction on Acquisition of Polyacrylonitrile (PAN) Carbon Fiber, in all acquisitions for major systems (as

defined in FAR part 34) that are not yet in production (milestone III as defined in DoDI 5000.2-R, Mandatory Procedures for Major Defense Acquisition Programs (MDAPS) and Major Automated Information System (MAIS) Acquisition Programs).

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

7. Section 252.225-7022 is amended by revising the section title, introductory text, clause title and date, and paragraphs (a) and (c) to read as follows:

252.225-7022 Restriction on acquisition of polyacrylonitrile (PAN) carbon fiber.

As prescribed in 252.7106-3, use the following clause:

Restriction on Acquisition of Polyacrylonitrile (PAN) Carbon Fiber (Date)

(a) This clause applies only if the end product furnished under this contract contains polyacrylonitrile carbon fibers (alternatively referred to as PAN-based carbon fibers or PAN-based graphite fibers).

* * * * *

(c) The Contracting Officer may waive the requirement in paragraph (b) in whole or in part. The Contractor may request a waiver from the Contracting Officer by identifying the circumstances and including a plan to qualify U.S. or Canadian sources expeditiously.

(End of clause)

252.225-7034 [Removed and Reserved]

6. Section 252.225-7034 is removed and reserved.

[FR Doc. 96-21341 Filed 8-20-96; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 950810206-6225-05; I.D. 070296D]

RIN 0648-AG29

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 12

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

ACTION: Proposed rule, request for comments.

SUMMARY: NMFS issues this proposed rule to implement certain provisions of

Amendment 12 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). Amendment 12 would reduce the minimum size limit for red snapper harvested in the commercial fishery and eliminate a scheduled, automatic size limit increase for the commercial red snapper fishery in 1998; establish a minimum size limit for banded rudderfish and lesser amberjack taken under the bag limits; establish a bag limit for banded rudderfish, greater amberjack, and lesser amberjack, combined, of one fish; and establish a 20-fish aggregate bag limit for reef fish species for which there are no other bag limits. Based on a preliminary evaluation of Amendment 12, NMFS disapproved the minimum size limit measures for red snapper harvested in the commercial fishery because those measures were determined to be inconsistent with the Magnuson Fishery Conservation and Management Act (Magnuson Act). The proposed rule would implement the remaining measures in Amendment 12. The intended effects of the proposed rule are to provide additional protection for greater amberjack, lesser amberjack, and banded rudderfish, conserve reef fish, and enhance enforceability of the regulations.

DATES: Written comments must be received on or before September 30, 1996.

ADDRESSES: Comments on the proposed rule must be sent to Robert Sadler, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Requests for copies of Amendment 12, which includes an environmental assessment and a regulatory impact review (RIR), should be sent to the Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 331, Tampa, FL, 33609, PHONE 813-228-2815; FAX: 813-225-7015.

FOR FURTHER INFORMATION CONTACT: Robert Sadler, 813-570-5305.

SUPPLEMENTARY INFORMATION: The reef fish fishery of the Gulf of Mexico is managed under the FMP. The FMP was prepared by the Gulf of Mexico Fishery Management Council (Council) and is implemented through regulations at 50 CFR part 622 under the authority of the Magnuson Act.

Disapproval of the Red Snapper Minimum Size Limit Changes

Amendment 5 to the FMP established a schedule of increases in the red snapper minimum size limit for the commercial and recreational sectors. The schedule included an increase from

14 inches (35.6 cm) to 15 inches (38.1 cm), effective January 1, 1996, and from 15 inches (38.1 cm) to 16 inches (40.6 cm), scheduled to become effective January 1, 1998. Under Amendment 12 and a regulatory amendment under the FMP framework procedure for adjusting management measures, the Council proposed to reduce the minimum size limit for red snapper harvested in the commercial fishery from 15 inches (38.1 cm) to 14 inches (35.6 cm) and to eliminate the automatic increase to 16 inches (40.6 cm) scheduled for January 1, 1998.

Based on a preliminary evaluation of the regulatory amendment and Amendment 12, NMFS concluded that the proposed size limit measures for red snapper were inconsistent with national standard 1 of the Magnuson Act. Accordingly, NMFS disapproved these size limit measures and has not included them in this proposed rule. Additional discussion regarding disapproval of those measures was included in the proposed rule (61 FR 42413, August 15, 1996) for the regulatory amendment and is not repeated here.

Bag and Size Limits for Amberjack and Related Species

Greater amberjack, lesser amberjack, and banded rudderfish are very similar morphologically, particularly at smaller sizes. Taxonomic guides are available to differentiate these species, but require detailed comparisons of gill rakers and other fish body parts. Consequently, it is difficult for many fishermen to distinguish among these three species. Confusion regarding species identification has complicated compliance, as well as enforcement and prosecution of applicable size and bag limits.

Currently, for recreational fishermen, a three-fish bag limit and a 28-inch (71.1-cm) fork length minimum size limit apply to greater amberjack, but not to the morphologically similar lesser amberjack and banded rudderfish. As a result, some persons who misidentify undersized greater amberjack as lesser amberjack or banded rudderfish mistakenly land those fish in violation of the current size and/or bag limits. There is also concern that some fishermen are deliberately landing undersized greater amberjack under the guise that they are lesser amberjack or banded rudderfish. Because enforcement is sometimes confounded by the species identification problem, compliance with the size and bag limits is being circumvented.

The Council and its Law Enforcement Advisory Panel believe that uniform