

**DATES:** Effective December 16, 1996. The window period for filing applications for Channel 268A at El Dorado, Arkansas, will open on December 16, 1996, and close on January 16, 1997.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process for Channel 268A at El Dorado, Arkansas, should be addressed to the Audio Services Division, (202) 418-2700.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 96-131, adopted October 25, 1996, and released November 1, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, located at 1919 M Street, N.W., Room 246, or 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

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 Arkansas, is amended by adding Channel 268A at El Dorado.

Federal Communications Commission

John A. Karousos,

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

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## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 285**

[I.D. 110696A]

#### **Atlantic Tuna Fisheries; Adjustments**

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

**ACTION:** Fishery reopening.

**SUMMARY:** NMFS has determined that the Atlantic bluefin tuna (ABT) General category quota, as adjusted, has not been reached. Therefore, NMFS reopens the General category fishery for large medium and giant ABT for all areas until the remaining General category quota is determined to be reached. Closure of the fishery will be strictly enforced. Subsequent to this closure, the General category fishery for large medium and giant ABT for areas inside the New York Bight will remain open until the set-aside quota is reached. This action is being taken to extend scientific data collection on certain size classes of ABT while preventing overharvest of the adjusted subquotas for the affected fishing categories.

**EFFECTIVE DATE:** The General category fishery for large medium and giant ABT will open for all areas beginning Friday, November 8, 1996, at 1 a.m. local time and remain open until the remaining General category quota is projected to be reached. Upon that determination, NMFS will publish a notification of closure in the Federal Register.

**FOR FURTHER INFORMATION CONTACT:** John Kelly, 301-713-2347, or Mark Murray-Brown, 508-281-9260.

**SUPPLEMENTARY INFORMATION:** Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) governing the harvest of ABT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 285. Section 285.22 subdivides the U.S. quota recommended by the International Commission for the Conservation of Atlantic Tunas among the various domestic fishing categories.

NMFS is required, under § 285.20(b)(1), to monitor the catch and landing statistics and, on the basis of these statistics, to project a date when the catch of ABT will equal the quota and publish a Federal Register announcement to close the applicable fishery.

#### **General Category Reopening**

Implementing regulations for the Atlantic tuna fisheries at § 285.22 provide for a quota of 541 mt of large medium and giant ABT to be harvested from the regulatory area by vessels fishing under the General category quota during calendar year 1996. The General category ABT quota is further subdivided into monthly quotas to provide for broad temporal and geographic distribution of scientific data collection and fishing opportunities.

NMFS previously adjusted the General category October subquota to 60

mt for all areas outside the New York Bight and announced a closure date of October 2, 1996 (61 FR 50765, September 27, 1996). NMFS subsequently adjusted the General category October subquota by transferring 30 mt from the Incidental longline category under the authority of implementing regulations at 50 CFR 285.22(f) (61 FR 53677, October 15, 1996). Thus, the October General category quota was adjusted to 90 mt, with an additional 10 mt reserved for the New York Bight. Since the quota adjustment, NMFS has reopened the General category fishery for areas outside the New York Bight for 1 day on three occasions (61 FR 53677, October 15, 1996, 61 FR 55119, October 24, 1996, and 61 FR 55926, October 30, 1996) and for 3 days in early November (61 FR 57340, November 6, 1996). Due to various reasons, such as weather and fishing success, the full 90 mt October General category quota still has not been taken. Therefore NMFS reopens the General category fishery for large medium and giant ABT for all areas beginning November 8, 1996; the General category fishery will remain open until the General category quota is projected to be taken.

Fishermen are advised that closure of the ABT fishery may be effected without advanced notice, and that closure of the fishery will be strictly enforced. Therefore, fishermen are encouraged to call the Highly Migratory Species (HMS) Information Line to check the status of the fishery before leaving for a fishing trip. The phone numbers for the HMS Information Line are (301) 713-1279 and (508) 281-9305. As always, NMFS encourages fishing vessel operators to check with the weather service regarding unsafe conditions and to use sound judgement in determining whether or not to go fishing.

The New York Bight set-aside is not affected by this action and the General category fishery for large medium and giant ABT for areas inside the New York Bight will remain open until the set-aside quota is reached. However, during the reopening, beginning November 8, 1996, large medium and giant ABT harvested and landed in the New York Bight area will not be counted against the New York Bight set-aside quota, but will be counted against the remaining quota for the General category fishery.

Analysis of landings data for 1992-95 indicate that total landings for the Incidental Longline categories for November and December have been small. Additionally, the purse seiners have stopped fishing for ABT prior to the 251 mt Purse Seine category quota being taken. Therefore, given the above

information, and since landings are monitored daily, the reopening of the General category is not expected to result in the total 1996 ABT quota being exceeded.

Classification

This action is taken under 50 CFR 285.20(b), 50 CFR 285.22, and 50 CFR 285.24 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 971 *et seq.*

Dated: November 7, 1996.

Gary Matlock,

*Director, Office of Sustainable Fisheries,  
National Marine Fisheries Service.*

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