

industry representatives ("CICATS"), receiver manufacturers, and the Film Coalition have engaged in lengthy and numerous discussions over the past four weeks concerning the proposed DTV standard. The first three of these groups have reached the following agreement:

(1) The FCC should adopt no later than December 31, 1996, the voluntary ATSC DTV Standard (A/53), except for the video format constraints described in Table 3, including the aspect ratios ("the FCC standard"). The ATSC DTV Standard, including the Table 3 video format constraints, remains unchanged.

(2) The FCC's Report and Order adopting the FCC standard should include language clarifying that data broadcasting is a permitted use under the standard. Data broadcasting is defined as the transmission of any type of data other than real-time video and audio programming.

(3) The parties agree that the FCC standard provides for extensibility of services and that this extensibility feature can be used as long as such services comply with the FCC standard. Video and audio services may be enhanced by providing augmentation data in the manner described in ATSC "Guide to the Use of the ATSC Digital Television Standard," A/54, Section 8.1.1.3. See Attachment A hereto.

(4) Subject to applicable legal restrictions, if any, neither CICATS nor its member companies nor their representatives will directly or indirectly seek to oppose or delay—before the FCC, by judicial review, legislatively or otherwise—final adoption of the positions urged by broadcasters and consumer electronics manufacturers in MM Docket No. 87-268 to the extent such positions are not inconsistent with this letter. Nor will they support efforts in Congress or elsewhere for auctioning of spectrum allocated or to be allocated for digital television in MM Docket No. 87-268 or other proceedings related to the launch of digital television. After December 31, 1997, CICATS and its member companies may address other spectrum issues, provided that they do not support efforts for the auctioning of spectrum MM Docket NO. 87-268 or other proceedings related to the launch of digital television. The purpose of this understanding is to further the common goal of expeditious launch of digital television and is not intended to impose restrictions with respect to future regulatory or legislative issues.

In addition, consistent with the target date recognized in your letter to us, the parties will no longer be bound by this agreement if the FCC standard is not adopted by the FCC by December 31, 1996.

The parties agreed beforehand to maintain the confidentiality of the positions taken by them in the discussions, if not agreed to as part of a final resolution of the DTV standard issue. All parties continue to be bound by that agreement.

Respectfully submitted,

Broadcasters Caucus,
Michael J. Sherlock (NBC),
Chairman.

Consumer Electronics Manufacturers Association,
Gary J. Shapiro,

President.

Computer Industry Coalition on Advanced Television Service,

Paul E. Misener,

Intel Corporation.

cc: Chairman Reed E. Hundt

Commissioner James H. Quello

Commissioner Rachelle B. Chong

Honorable Larry Irving

Secretary, FCC (for filing in MM Docket No. 87-268)

Attachment A

Because there will be possibilities for future services that we cannot anticipate today, it is extremely important that the transport architecture provide open-ended extensibility of services. New elementary bit streams could be handled at the transport layer without hardware modification by assigning new packet IDs ("PIDs") at the transmitter and filtering out these new PIDs in the bit stream at the receiver. Backward compatibility is assured when new bit streams are introduced into the transport system as existing decoders will automatically ignore new PIDs.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 111496C]

Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries

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

ACTION: Request for joint management; request for public comments.

SUMMARY: NMFS announces that the Secretary of Commerce (Secretary) has been asked by the New England Fishery Management Council (NEFMC) to allow the Atlantic mackerel, squid, and butterfish fisheries to be managed jointly by the NEFMC and the Mid-Atlantic Fishery Management Council (MAFMC). The MAFMC is currently responsible for the Fishery Management Plan for Atlantic Mackerel, Squid, and Butterfish (FMP). Public comments are solicited concerning the request for joint management.

DATES: Comments must be submitted by January 2, 1997.

ADDRESSES: Comments should be directed to Dr. Andrew A. Rosenberg, Regional Administrator, Northeast Region, NMFS, 1 Blackburn Drive, Gloucester, MA 01930. Please label the envelope "Joint SMB Management."

FOR FURTHER INFORMATION CONTACT: Myles Raizin, Fishery Policy Analyst, 508-281-9104.

SUPPLEMENTARY INFORMATION:

Background

Soon after the passage of the original Magnuson Fishery Conservation and Management Act in 1976, the Secretary, pursuant to his authority under section 304(f), designated species-specific management responsibilities to the Fishery Management Councils (Councils). The MAFMC was given the authority to manage the Atlantic mackerel, *Illex* and *Loligo* squids, and butterfish fisheries. In 1979, NMFS approved separate fishery management plans for the three species. In 1981, the three plans were merged into the present FMP.

At its June 1996 meeting, the NEFMC passed a motion to request the Secretary to make the FMP a joint plan between the NEFMC and the MAFMC and to designate the MAFMC as the lead Council. While recognizing the need to conserve these resources, the NEFMC believes that there are access issues concerning all of these fisheries that only can be resolved fairly through joint management. The NEFMC's main concern focused on a proposal for resubmission to the Secretary of a management measure that would implement a permit moratorium on the fishery for *Illex*. Additionally, the NEFMC believes that there is enough uncertainty about the stock structure of *Illex* to warrant a closer look at how the resource should be managed in different areas along the coast and how seasonal restrictions would substantially increase the overall yield and economic value of the fishery.

In conjunction with this request for joint management, the NEFMC requested NMFS to halt all rulemaking associated with the FMP. NMFS will not take such action, because it is inappropriate to interfere with the MAFMC's statutory mandate to develop fishery management plans and amendments to manage the fisheries for which they are responsible. Furthermore, there is no legal mechanism to bring rulemaking under the Magnuson-Stevens Fishery Conservation and Management Act, as amended, (Magnuson-Stevens Act) to a

halt. The Magnuson-Stevens Act contains a statutory time period for the review and implementation of a fishery management plan or amendment that is submitted to the Secretary by a Council. This can only be modified or halted by a legislative revision to the Magnuson-Stevens Act.

Public comments are requested on the NEFMC's request for joint designation of this FMP. Comments will be reviewed and considered prior to the Secretary's decision on this request.

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

Dated: November 25, 1996.

Gary C. Matlock,

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

[FR Doc. 96-30687 Filed 12-2-96; 8:45 am]

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50 CFR Part 679

[I.D. 111896B]

RIN 0648-AF81

Fisheries of the Exclusive Economic Zone Off Alaska; Scallop Fishery; Vessel Moratorium

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

ACTION: Notice of availability of an amendment to a fishery management plan; request for comments.

SUMMARY: NMFS announces that the North Pacific Fishery Management Council (Council) has submitted Amendment 2 to the Fishery

Management Plan for the Scallop Fishery off Alaska for Secretarial review. Amendment 2 would establish a temporary moratorium on the entry of additional vessels into the scallop fishery off Alaska. Comments from the public are requested.

DATES: Comments on Amendment 2 must be received on or before February 3, 1997.

ADDRESSES: Comments on Amendment 2 should be submitted to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel, or delivered to the Federal Building, 709 West 9th Street, Juneau, AK.

Copies of Amendment 2 and the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis prepared for the amendment are available from the North Pacific Fishery Management Council, 605 West Fourth Avenue, Anchorage, AK 99501-2252; telephone 907-271-2809.

FOR FURTHER INFORMATION CONTACT: Kent Lind, 907-586-7228.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires that each regional fishery management council submit any fishery management plan (FMP) or plan amendment it prepares to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving an FMP or amendment, immediately publish a notice that the FMP or

amendment is available for public review and comment. NMFS will consider the public comments received during the comment period in determining whether to approve the FMP or amendment.

Amendment 2 would establish a temporary vessel moratorium, which would remain in effect for 3 years from the date of implementation or until repealed or replaced by a permanent limited access program. Scallop moratorium permits would be issued to the person who was the most recent owner of a qualifying vessel at the time of qualification. Vessels would qualify for inclusion in the moratorium if they made a legal landing of scallops during 1991, 1992, or 1993, or during any 4 years between 1980 and 1990. The purpose of Amendment 2 is to curtail increases in fishing capacity and to provide stability for industry while the Council and NMFS develop a limited access program for this fishery.

NMFS will consider the public comments received during the comment period in determining whether to approve the proposed amendment. A proposed rule to implement Amendment 2 has been submitted for Secretarial review and approval. NMFS expects to publish proposed regulations to implement Amendment 2 shortly for public review and comment.

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

Dated: November 26, 1996.

Gary C. Matlock,

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

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