

ACTION: Semiannual regulatory agenda; Correction.

SUMMARY: FR Document No. 96-26278, beginning on page 63548 in the unified agenda published in the Federal Register of Friday, November 29, 1996, the Release Nos. were incorrect and should be as set forth above.

FOR FURTHER INFORMATION CONTACT: Frances R. Sienkiewicz, Office of the Secretary, (202) 942-7072.

Dated: December 5, 1996.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 96-31399 Filed 12-10-96; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96-197; DA 96-2036]

Newspaper/Radio Cross-Ownership Waiver Policy

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry; extension of comment and reply comment period.

SUMMARY: This action extends the deadline for filing comments and reply comments to the Notice of Inquiry in the above-cited docket. It is taken in response to requests to extend the comment and reply comment period made by the law firm of Haley Bader & Potts. The intended effect of this action is to allow the parties to the proceeding to have additional time in which to file comments and reply comments.

DATES: Comments are due on or before February 7, 1997, and reply comments are due on or before March 7, 1997.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Roger Holberg (202-418-2130) or Charles Logan (202-418-2130), Mass Media Bureau.

SUPPLEMENTARY INFORMATION: This is a synopsis of the *Order* granting an extension of time for filing comments and reply comments in MM Docket No. 96-197, DA 96-2036, adopted December 5, 1996, and released December 5, 1996. The complete text of this *Order* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., and also may be purchased from the Commission's copy contractor, International Transcription Service,

(202) 857-3800, 2100 M Street, N.W., Suite 140, Washington, DC 20037.

Synopsis of Order Granting Extension of Time for Filing Comments

1. On October 1, 1996, the Commission adopted a *Notice of Inquiry* ("NOI") in this proceeding, 61 FR 53694, October 15, 1996, regarding its policy for waiving the newspaper/radio cross ownership restriction set forth in Section 73.3555(d) of the Commission's Rules, 47 CFR 73.3555(d). The NOI invited comment on a variety of questions related to possible revisions to the Commission's current waiver policy. Comments were due to be filed by December 9, 1996, and reply comments by January 8, 1997.

2. On November 7, 1996, the Commission released three notices of proposed rule making concerning (1) the broadcast attribution rules, which define what constitutes a "cognizable interest" in applying the broadcast multiple ownership rules, *Further Notice of Proposed Rule Making* in MM Docket Nos. 94-150/92-51/87-154, FCC 96-436 ("FNPRM"); (2) the local television ownership rules, including the television duopoly rule and the radio-television cross-ownership rule, *Second Further Notice of Proposed Rule Making* in MM Docket Nos. 91-221/87-8, FCC 96-438 ("FNPRM"); and (3) the national television ownership rule, *Notice of Proposed Rule Making* in MM Docket Nos. 96-222/91-221/87-8, FCC 96-437. The comment date established for each of these three rulemaking proceedings is February 7, 1997, and the due date for reply comments is March 7, 1997.

3. On November 27, 1996, the law firm of Haley Bader & Potts filed a *Request For Extension Of Comment Date* ("Request") to extend the comment and reply comment deadlines in connection with the NOI in MM Docket No. 96-197 to February 7, 1997 and March 7, 1997, respectively. In support of its Request, Haley Bader & Potts asserts that the above-referenced rule makings raise issues that are strongly related to those raised in the NOI. We are mindful that § 1.46 of the Commission's Rules, 47 CFR 1.46, articulates a Commission policy that extensions of time for filing comments in rule making proceedings are not to be routinely granted. Nevertheless, we find that good cause exists for granting the requested extension of the comment and reply comment deadlines. As Haley, Bader & Potts points out, the issues raised by the FNPRM are relevant to the newspaper/radio cross-ownership rule in that the attribution rules define what constitutes a cognizable ownership

interest in a radio station or daily newspaper. In addition, many of the same competition and diversity concerns that underlie the newspaper/radio cross-ownership restriction are also raised in our examination of the television duopoly rule and radio-television cross-ownership rule. Given the similarity of the issues raised in the NOI and the three rulemaking proceedings, we believe it is appropriate that they share the same comment and reply comment deadlines. This will enable interested parties to submit more complete comments regarding the interrelated issues raised by these separate proceedings. This, in turn, will result in a more comprehensive record for the Commission to consider in assessing whether to revise its newspaper/radio cross-ownership waiver policy as well as its broadcast attribution and television ownership rules.

4. Accordingly, *it is ordered* that the request filed by Haley Bader & Potts for an extension of time in which to file comments and reply comments in response to the *Notice of Inquiry* in MM Docket 96-197 *is granted*.

5. *It is further ordered*, that the time for filing comments in the above-captioned proceeding *is extended* to February 7, 1997, and the time for filing reply comments *is extended* to March 7, 1997.

6. This action is taken pursuant to authority found in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), and Sections 0.204(b), 0.283, and 1.45 of the Commission's Rules, 47 CFR 0.204(b), 0.283, and 1.45.

Federal Communications Commission.

Roy J. Stewart,

Chief, Mass Media Bureau.

[FR Doc. 96-31503 Filed 12-9-96; 10:54 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 961126330-6330-01; I.D. 110796H]

RIN 0648-XX72

Atlantic Mackerel, Squid, and Butterfish Fisheries; 1997 Specifications

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed 1997 initial specifications; request for comments.

SUMMARY: NMFS proposes initial specifications for the 1997 fishing year for Atlantic mackerel, squid, and butterfish (SMB). Regulations governing these fisheries require NMFS to publish specifications for the upcoming fishing year and provide an opportunity for the public to comment. This action is intended to promote the development of the U.S. SMB fisheries.

DATES: Public comments must be received on or before January 6, 1997.

ADDRESSES: Copies of the Mid-Atlantic Fishery Management Council's quota paper and recommendations and the Environmental Assessment are available from David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901. Comments should be sent to Dr. Andrew A. Rosenberg, Regional Administrator, Northeast Region, NMFS, 1 Blackburn Drive, Gloucester, MA 01930. Please mark the envelope "Comments—1997 SMB specifications."

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

SUPPLEMENTARY INFORMATION: Regulations implementing the Fishery Management Plan for Atlantic Mackerel, Squid, and Butterfish Fisheries (FMP) prepared by the Mid-Atlantic Fishery

Management Council (Council) appear at 50 CFR part 648. These regulations stipulate that NMFS publish a document specifying the initial annual amounts of the initial optimum yield (IOY) as well as the amounts for allowable biological catch (ABC), domestic annual harvest (DAH), domestic annual processing (DAP), joint venture processing (JVP), and total allowable levels of foreign fishing (TALFF) for the species managed under the FMP. No reserves are permitted under the FMP for any of these species. Procedures for determining the initial annual amounts are found in § 648.21. Proposed Council Actions Affecting 1997 Specifications

The Council adopted two amendments to the FMP that may affect the final specifications as described below.

Atlantic mackerel—The Council adopted a revision to a measure disapproved under Amendment 5 to the FMP (Resubmitted Amendment 5), which, if approved by the Secretary of Commerce (Secretary) will further restrict ABC for Atlantic mackerel. This measure proposes to define overfishing as catch (U.S. and Canadian) in excess of $F_{0.1}$. The Northeast Fisheries Science Center has certified that this overfishing definition is consistent with the NOAA Guidelines for Fishery Management Plans. The Council recommended that the 1997 Atlantic mackerel ABC specification be restricted to 383,000 mt consistent with this proposed measure.

However, the ABC specification for Atlantic mackerel will be 1,178,000 mt under the current FMP and would become 383,000 mt only if the proposed measure is approved by the Secretary.

Atlantic squids—In response to the management advice from the 21st Northeast Stock Assessment Workshop (SAW 21), the Council has adopted, and submitted for Secretarial review, Amendment 6 to the FMP that would establish revised overfishing thresholds and target fishing mortality rates for both *Illex* and *Loligo* squid. SAW 21 recommended, and Amendment 6 proposes, overfishing thresholds of F_{max} for *Loligo* and F_{20} for *Illex*, and Maximum OY (Max OY) would be redefined in the FMP to correspond to these thresholds. The resulting Max OY would be 26,000 mt for *Loligo* and 24,000 mt for *Illex*. The Council's current submission, however, must utilize the definition of Max OY presently specified in the FMP (36,000 mt for *Loligo*, 30,000 mt for *Illex*). In making recommendations for ABC, however, the Council has used the target fishing mortality rate (F_{50}) recommended by SAW 21 in response to the concerns emanating from SAW 21 as a result of the determination that both species have a life span of only 1 year.

The following table contains the proposed initial specifications for the 1997 Atlantic mackerel, *Loligo* and *Illex* squids, and butterfish fisheries as recommended by the Council.

PRELIMINARY INITIAL ANNUAL SPECIFICATIONS FOR ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FOR THE FISHING YEAR JANUARY 1 THROUGH DECEMBER 31, 1997

[mt]

Specifications	Squid		Atlantic Mackerel	Butterfish
	Loligo	Illex		
Max OY ¹	² 36,000	³ 30,000	N/A	16,000
ABC	21,000	19,000	⁴ 1,178,000	7,200
IOY ⁵	21,000	19,000	90,000	5,900
DAH	21,000	19,000	⁶ 90,000	5,900
DAP	21,000	19,000	50,000	5,900
JVP	0	0	25,000	0
TALFF	0	0	0	0

¹ Maximum optimum yield (OY) equals Maximum Sustainable Yield.

² 26,000 mt if overfishing threshold in Amendment 6 is approved.

³ 24,000 mt if overfishing threshold in Amendment 6 is approved.

⁴ 383,000 = (405,000 mt less 22,000 mt) if overfishing definition is approved that was submitted as part of Council's resubmission of measures disapproved in Amendment 5.

⁵ IOY can increase to this amount.

⁶ Contains 15,000 estimated recreational catch.

Atlantic Mackerel

ABC in U.S. waters for the upcoming fishing year is that quantity of mackerel that could be caught in U.S. and Canadian waters while maintaining a spawning stock size in the year

following the year for which quotas are being prepared that is equal to or greater than 900,000 mt. An estimate of Canadian catch is then deducted to calculate ABC. For 1997, this calculation results in an ABC of

1,178,000 mt, assuming a beginning stock size of 2.1 million mt and a Canadian catch in 1997 of 22,000 mt.

IOY is a modification of ABC that reflects social and economic factors. IOY is comprised of two components:

DAH and TALFF. DAH is the sum of a recreational catch estimate, DAP and JVP. The Council estimates that the 1997 recreational catch will be 15,000 mt and DAP will be 50,000 mt. The Council also recommends that IOY be set at a level that provides for a JVP of 25,000 mt and TALFF of zero. The resulting recommended IOY is 90,000 mt.

DAP has historically been estimated using the Council's annual processor survey. However, for the years 1994 through 1996, response was low and did not contain projections from the large, known processors. Therefore, in order to estimate the expected processing capacity for 1997, the Council used the survey responses from those firms that provided estimates for both 1996 and 1997. For these firms, projected amount of fish needed increased 96 percent in 1997. In addition, numerous inquiries concerning entry of displaced New England groundfish trawlers into the Atlantic mackerel fishery have led the Council to recommend no change to the DAP for the 1997 fishery.

The 1997 JVP specification was reduced from 1996 to reflect the concern that the Council has about the negative effect that joint ventures could have on the further development of the U.S. export market. Furthermore, the North Sea mackerel quota was reduced by 55 percent for 1996, and this reduced quota may be extended and reduced further through 1997. These reductions may provide an opportunity for U.S. producers to sell additional mackerel on the international market. The Council intends to proceed on a policy course that recognizes the need for JVs in the short term to allow U.S. harvesters to take mackerel at levels in excess of current U.S. processing capacity. However, in the longer term the Council

intends to eliminate JVs as U.S. processing and export capacity increases.

An IOY that results in zero TALFF is recommended for the 1997 Atlantic mackerel fishery. The Fisheries Act of 1995 prohibits a specification of TALFF unless recommended by the Council.

The Council also recommended that four special conditions imposed in previous years continue to be imposed on the 1997 Atlantic mackerel fishery as follows: (1) Joint ventures would be allowed south of 37°30' N. lat., but river herring bycatch may not exceed 0.25 percent of the over-the-side transfers of Atlantic mackerel; (2) the Regional Administrator should ensure that impacts on marine mammals are reduced in the prosecution of the Atlantic mackerel fishery; (3) the mackerel OY may be increased during the year, but the total should not exceed ABC; and (4) applications from a particular nation for a joint venture for 1997 will not be decided on until the Regional Administrator determines, based on an evaluation of performances, that that nation's purchase obligations for previous years have been fulfilled.

Atlantic Squids

The FMP sets the Max OY for *Loligo* at 36,000 mt. The recommended ABC for the 1997 *Loligo* fishery is 21,000 mt, representing a decrease of 9,000 mt from the 1996 ABC. The level specified for 1997 represents the harvest level associated with a fishing mortality rate of F_{50} , which was recommended by SAW 21 as an appropriate target harvest level for this species. The Council recommended that IOY should equal ABC.

The FMP sets the Max OY for *Illex* squid at 30,000 mt. The Council recommended an ABC of 19,000 mt, which represents the harvest level

associated with a fishing mortality rate of F_{50} . This is similar to the SAW 21 recommendation of F_{50} as an appropriate target harvest level for both *Illex* and *Loligo*. The Council recommended that the IOY for *Illex* be set equal to ABC.

Butterfish

The FMP sets the Max OY for butterfish at 16,000 mt. The most recent stock assessment was done in 1994 (SAW 17) and advised that the stock may not be able to sustain landings in excess of the long term historical average (1965–92) of 7,200 mt. Based on this advice, the Council recommends maintaining ABC at 7,200 mt (unchanged from 1996). The Council also recommended maintaining IOY and DAH at 1996 levels (5,900 mt) to reflect the uncertainty that exists regarding the level of discards in the directed fishery.

As a result of the approval of Amendment 5, the FMP specifies that there will be no JVP or TALFF specified for *Loligo*, *Illex*, or butterfish, except that a butterfish bycatch TALFF will be specified if TALFF is specified for Atlantic mackerel. Since the Council recommended no TALFF for Atlantic mackerel, no bycatch TALFF is required for butterfish.

Classification

This action is authorized by 50 CFR part 648, and these proposed specifications are exempt from review under E.O. 12866.

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

Dated: December 4, 1996.

Charles Karnella,

Acting Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 96-31376 Filed 12-5-96; 3:27 pm]

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