

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-9436 Filed 4-10-97; 8:45 am]

BILLING CODE 6712-01-F

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

[MM Docket No. 96-103, RM-8794; RM-8839]

Radio Broadcasting Services; Smith and Reno, NV, Susanville and Truckee, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; Order to Show Cause.

SUMMARY: The Commission, in response to a counterproposal filed by Chris Kidd d/b/a Kidd Communications, proposes the allotment of Channel 268A to Truckee, CA, as the community's first local aural transmission service. To accommodate the allotment at Truckee, the Commission also proposes that Channel 271C3 be substituted for Channel 269C3 at Reno, NV, the license of Station KRNv-FM be modified to specify the alternate Class C3 channel, and that Channel 222C2 be substituted for Channel 271C2 at Susanville, CA, and the license of Station KHJQ be modified to specify the alternate Class C2 channel. An Order to Show Cause is directed to Sunbelt Broadcasting Company, licensee of Station KRNv-FM, and to Olympic Broadcasters, Inc., licensee of Station KHJQ, as to why their licenses should not be modified to specify the alternate Class C3 and Class C2 channels, respectively. In addition, to resolve the conflict between the proposed allotment of Channel 271C3 at Smith, NV, and Channel 268A at Truckee, CA, alternate Channel 222C3 can be allotted to Smith, NV. Channel 268A can be allotted to Truckee, CA, with a site restriction of 9.3 kilometers (5.8 miles) west, to avoid a short-spacing to KRNG, Channel 267C2, Fallon, NV, at coordinates 39-17-45; 120-16-57. Channel 271C3 can be allotted to Reno at Station KRNv-FM's presently licensed transmitter site, at coordinates 39-35-03; 119-47-52. Channel 222C2 can be allotted to Susanville at the transmitter site specified in Station KHJQ's outstanding construction permit (BPH-961017IB), at

coordinates 40-27-13; 120-34-14. Channel 222C3 can be allotted to Smith, with a site restriction of 0.7 kilometers (0.4 miles) south, at coordinates 38-47-39; 119-19-31, to avoid a short-spacing to Station KZSR, Channel 225C, Reno, NV.

DATES: Comments must be filed on or before May 27, 1997.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT:

Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Order to Show Cause, MM Docket No. 96-103, adopted March 26, 1997, and released April 4, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 216**

[Docket No. 970326068-7068-01; I.D. 031197A]

RIN 0648-AJ86

Marine Mammals; Subsistence Taking of Northern Fur Seals; Harvest Estimates

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

ACTION: Proposed rule.

SUMMARY: Pursuant to the regulations governing the subsistence taking of northern fur seals, this action proposes annual estimates of fur seal subsistence need for 1997 through 1999 on the Pribilof Islands, Alaska (AK) and summarizes the annual fur seal subsistence harvests on St. George and St. Paul Islands (the Pribilof Islands) for 1994 through 1996.

DATES: Written comments must be received by May 12, 1997.

ADDRESSES: Comments should be addressed to Hilda Diaz-Soltero, Acting Director, Office of Protected Resources, (F/PR), 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Steve Zimmerman, (907) 586-7235, or Margot Bohan, (301) 713-2322.

SUPPLEMENTARY INFORMATION: The subsistence harvest of northern fur seals, *Callorhinus ursinus*, on the Pribilof Islands, AK, is governed by regulations found in 50 CFR part 216, subpart F, Taking for Subsistence Purposes. The purpose of these regulations, published under the authority of the Fur Seal Act (FSA), 16 U.S.C. 1151 *et seq.*, and the Marine Mammal Protection Act (MMPA), 16 U.S.C. 1361 *et seq.*, is to limit the take of fur seals to a level providing for the subsistence needs of the Pribilof residents, while restricting taking by sex, age, and season for herd management purposes. To further minimize negative effects on the Pribilof Islands' fur seal population, the harvest has been limited to a 47-day season (June 23-August 8).

Pursuant to the regulations governing the taking of fur seals for subsistence purposes, NMFS publishes this summary of the fur seal harvest for the previous 3-year period and a projection of the number of seals expected to be taken in the subsequent 3-year period to

meet the subsistence needs of the Aleut residents of the Pribilof Islands, AK.

Subsistence Trends and Estimates

Table 1 shows the number of fur seals taken on the Pribilof Islands for subsistence purposes between 1985 and 1996. The annual harvests were conducted in the established manner and employed the standard methods required under regulations at 50 CFR 216.72. NMFS personnel monitored each daily harvest and worked closely with the tribal governments of each island to further improve the efficiency

of the annual harvest and full utilization of the animals taken. NMFS personnel also monitored the disposal of by-products of the subsistence harvest in an effort to ensure that certain parts, such as bacula, of harvested seals were not taken illegally and that waste of edible portions was not occurring.

The number of northern fur seals harvested on St. Paul Island since 1986 has ranged from 1,077 (1990) to 1,710 (1987) (Table 1). The annual subsistence takes on St. George Island since 1986 have ranged from 92 (1987) to 319

(1993) seals (Table 1). Within the past 6 years, the number of fur seals harvested annually has been relatively consistent. Since 1991, the average number of seals harvested each year on St. Paul and St. George Islands has been 1,563 (range: 1,482 to 1,645) and 241 (range: 161 to 319), respectively (Table 1). The actual number of animals harvested has never reached the upper end of the estimated range and has exceeded the lower range in only two (1991 and 1993) of the 6 years, 1991–1996.

TABLE 4.—Subsistence Harvest Levels for Northern Fur Seals on the Pribilof Islands, 1985–1996

Year	Subsistence estimates		Actual harvest levels	
	St. Paul	St. George	St. Paul	St. George
1985			3,384	329
1986	2,400–8,000	800–1,800	1,299	124
1987	1,600–2,400	533–1,800	1,710	92
1988	1,800–2,200	600–740	1,145	113
1989	1,600–1,800	533–600	1,340	181
1990	1,145–1,800	181–500	1,077	164
1991	1,145–1,800	181–500	1,645	281
1992	1,645–2,000	281–500	1,482	194
1993	1,645–2,000	281–500	1,518	319
1994	1,645–2,000	281–500	1,616	161
1995	1,645–2,000	281–500	1,525	260
1996	1,645–2,000	281–500	1,591	232

Summary of Harvest Operations and Monitoring 1994–1996

Beginning with the 1995 harvest, the tribal government of St. Paul voluntarily eliminated the “butterfly cut” as a standard method of field dressing harvested seals and resolved to take only whole animals off the field as a step toward maximum utilization of harvested seals for subsistence purposes. The only exceptions to the removal of whole carcasses from the field, as permitted by the tribal government, are: (a) Those animals taken to accommodate some of the elder residents who are physically unable to butcher whole animals supplied to them by the tribal government, and; (b) those carcasses in which the gall bladder was inadvertently ruptured, thus contaminating some of the meat with bile. During 1995 and 1996, only 44 butterfly cuts (1.3 percent of the combined Pribilof total take for these years), were taken from the field under these exceptions.

As a result of the elimination of the butterfly cut as a standard field dressing method and since the removal of whole carcasses constitutes full utilization of the edible portions of harvested seals, NMFS determined that it was no longer necessary to continue the percent-use calculations previously applied to the

harvest. The butterfly cut was never a standard field dressing method on St. George Island; therefore, removal of only whole carcasses from the harvesting field is now a uniform practice in the Pribilofs.

Regarding the utilization of the inedible portions of harvested seals, the tribal governments of both islands have implemented a program that supports full utilization of inedible seal parts for traditional arts, crafts, and other uses permitted under regulations at 50 CFR 216.73. The result has been an expanded use of these materials by the Aleut residents and increased fulfillment of the non-wasteful harvest requirements.

During the 1995 and 1996 harvests, NMFS and the tribal governments of both islands agreed to conduct an investigation into the entanglement of fur seals in marine debris, such as discarded fishing netting, rope, and packaging bands. Part of this effort involved removing the entangling debris from seals encountered during harvest operations. A total of 88 seals (both islands) were temporarily restrained on the harvesting fields and, upon successful removal of the entangling debris, were released back into their natural environment by the sealing crews.

Estimate of Subsistence Need for the Period 1997–1999

The projected subsistence harvest estimates are given as a range, the lower end of which may be exceeded if NMFS is given notice, and the Assistant Administrator for Fisheries, NOAA, determines that the annual subsistence needs of the Pribilof Aleuts have not been satisfied (50 CFR 216.72(e)(1)(i)). Conversely, the harvest can be terminated before the lower end of the range is reached if it is determined that the annual subsistence needs of the Pribilof residents have been met or the harvest has been conducted in a wasteful manner.

In September 1996, NMFS requested that the tribal government of each island determine the number of fur seals that would be needed by their communities each year for the 3-year period 1997 through 1999. The response from the St. Paul Island tribal government was to maintain the current range of 1,645–2,000 seals. The St. George Island tribal government requested that the lower end range be increased from 281 to 300 seals and that the upper bound remain at 500 seals.

In its response to the NMFS request for subsistence need estimates, the St. George tribal government also formally requested to be allowed to take fur seal

pups for their traditional potlatch rites. Representatives of the St. Paul Island tribal government have made similar requests. Current regulations at 50 CFR 216.72(c)(3) prohibit the taking of fur seal pups.

The tribal government of St. George Island also requested an increase in the number of allowable haulout areas from which to conduct the annual harvest. At present, regulations at 50 CFR 216.72(d)(2) limit harvestable locations to two haulouts, which can be harvested no more than twice per week. These requests for pups and additional haulouts for harvesting will not be addressed in time for this harvest; they will be considered through a separate co-management process in the future.

Regarding the proposed increase of the lower end estimate range for St. George Island from 281 to 300 seals, the continuing decline of the island's economy has resulted in an increased rate of unemployment and, thus, a greater reliance on subsistence harvesting of food resources by the Aleut residents of St. George Island to meet their needs for the 1997–1999 period. In response to the information provided by the tribal governments of St. Paul and St. George Islands, NMFS proposes that the estimated range on St. Paul Island for each of the years, 1997–1999, remains the same as was established for the years 1994–1996 (1,645 to 2,000), and that the annual range on St. George Island for the years, 1997–1999, be established at 300–500 seals.

As described earlier in this document, if the Aleut residents of either island reach the lower end of this yearly harvest estimate and have unmet subsistence needs and no indication of waste, they may request an additional number of seals up to the upper limit of the respective harvest estimates. The residents of St. George and St. Paul Islands may substantiate any additional need for seals by submitting in writing the information upon which they base their decision that subsistence needs are unfulfilled. The regulations at 50 CFR 216.72(e)(1)(i) require a suspension of the fur seal harvest for up to 48 hours once the lower end of the estimated

harvest levels is reached. The suspension is to last no more than 48 hours, followed either by a finding that the subsistence needs have been met or by a revised estimate of the number of seals necessary to satisfy the Aleuts' subsistence needs.

NMFS emphasizes that it expects the harvest of fur seals to be non-wasteful and in full compliance with the regulations specified at 50 CFR 216.72. The agency will continue to monitor the entire harvest on St. Paul Island and a portion of the harvest on St. George Island during 1997–1999 to ensure this result.

Dated: April 2, 1997.

Rolland A. Schmitten,

*Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 031797A]

RIN 0648–AJ27

Gulf of Mexico Fishery Management Council; Public Hearings

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

ACTION: Public hearings; request for comments.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene 12 public hearings on Draft Amendment 15 to the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico (FMP) and a related draft environmental assessment (EA).

DATES: Written comments will be accepted until May 2, 1997. The hearings will be held from April 14 to April 24, 1997. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: Written comments should be sent to and copies of the draft amendment are available from Mr. Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301, North, Suite 1000, Tampa, FL 33619.

The hearings will be held in FL, AL, MS, LA, and TX. See **SUPPLEMENTARY INFORMATION** for locations of the hearings and public accommodations.

FOR FURTHER INFORMATION CONTACT:

Wayne E. Swingle, (813) 228–2815.

SUPPLEMENTARY INFORMATION: The Council will hold public hearings on Draft Amendment 15 to the FMP and its draft EA. The purposes of Amendment 15 include: (1) Establishing a license limitation system for the commercial red snapper fishery; (2) limiting possession of reef fish in excess of the recreational bag limit to fish taken in reef fish traps and stone crab and spiny lobster traps; (3) increasing the commercial fishery size limit for vermilion snapper; (4) removing from management under the FMP all grunts, porgies, and sea bass; (5) prohibiting commercial landings of greater amberjack during the spawning season (i.e., March, April, and May); and (6) specifying that the 20-fish aggregate bag limit includes only those species within the reef fish management unit.

Regarding the license limitation system for the commercial red snapper fishery, the Council is considering 10 alternatives related to establishing initial eligibility to participate in the fishery and initial trip limits. The initially preferred alternative would limit participation to vessels with records of landing in 2 out of 3 years during the period 1990–1992 of at least 2,500 lb (1,134 kg). Under this alternative, eligible participants would be granted one of three classes of licenses based on their level of landings during the 1990–1992 period. The three license classes would correspond to allowable trip limits of 2,000 (907 kg), 1,000 (454 kg), and 500 lb (227 kg) of red snapper. The license classes and criteria under this alternative are shown in the table below.

License class	1990–92 landings in 2 out of 3 years	Initial trip limit
1	More than 10,000 lb (4,536 kg)	2,000 lb (907 kg).
2	5,000 lb (2,268 kg) (but less than 10,000 lb (4,536 kg))	1,000 lb (454 kg).
3	2,500 lb (1,134 kg) but less than 5,000 lb (2,268 kg)	500 lb (227 kg).

The Council is considering other license limitation system alternatives or variations including: (1) Issuing licenses

to vessels rather than persons; (2) in instances where the landings records of a vessel upon which a historical captain

served are used to qualify for a license, issuing separate class (1) or class (2) licenses to the historical captain and the