

Commission will reassess the suspension of the rule based on the information submitted.

Therefore, it is ordered That the effective date of the rules published March 4, 1997 (62 FR 9696), as amended by the Commission April 11, 1997 (in a rule to be published April 16, 1997), amending Part 586 of Title 46 of the Code of Federal Regulations, is hereby suspended until September 4, 1997.

It is further ordered, That the following parties are ordered to file reports with the Commission on July 1, 1997, and August 5, 1997: American President Lines, Ltd.; Sea-Land Service, Inc.; Kawasaki Kisen Kaisha, Ltd.; Mitsui O.S.K. Lines, Ltd.; and Nippon Yusen Kaisha. These reports should describe, in detail:

- the status of the consultative process to reform the prior consultation system;
- any planned or implemented changes to the prior consultation system, and the observed or expected effects of these changes;
- the role of the Government of Japan in any future prior consultation system or related review or appeals process;
- the extent to which carriers in Japan have freedom to contract with any port transportation business operator;
- the status of any efforts by U.S. carriers to secure licenses to operate port transportation businesses or to establish such businesses;
- any other information relevant to this proceeding that parties wish to bring to the attention of the Commission.

It is further ordered, That any other persons with information relevant to this proceeding may submit comments for the Commission's consideration, due on July 1, 1997, and August 5, 1997.

By the Commission.

Joseph C. Polking,
Secretary.

[FR Doc. 97-9903 Filed 4-14-97; 1:15 pm]

BILLING CODE 6730-01-W

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96-241; RM-8928]

Radio Broadcasting Services; Minden and Natchitoches, LA

AGENCY: Federal Communications Commission.

(d) a person who fails to file * * * information required to be filed under this paragraph shall be liable to the United States Government for a civil penalty of not more than \$5000 for each day that the information is not provided.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Ninety-Five Point Seven, Inc., licensee of Station KASO(FM), Channel 239A, Minden, Louisiana, and Bundrick Communications, Inc., licensee of Station KZBL(FM), Channel 240A, Natchitoches, Louisiana, substitutes Channel 239C2 for Channel 239A at Minden and modifies the license of Station KASO(FM) to specify the higher powered channel. To accommodate the upgrade at Minden, the Commission also substitutes Channel 264A for Channel 240A at Natchitoches, and modifies the license of Station KZBL(FM) to specify the alternate Class A channel. See 61 FR 65508, December 13, 1996, and Supplemental Information, *infra*. With this action, this proceeding is terminated.

EFFECTIVE DATE: May 27, 1997.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 96-241, adopted April 2, 1997, and released April 11, 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, ITS, Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

All channels can be allotted to the above-noted communities in compliance with the Commission's minimum distance separation requirements. Channel 239C2 can be allotted to Minden with a site restriction of 9.2 kilometers (5.7 miles) northwest. The coordinates for Channel 239C2 are 32-39-06 NL and 93-22-15 WL. Channel 264A can be allotted to Natchitoches at the transmitter site specified in Station KZBL(FM)'s license. The coordinates for Channel 264A at Natchitoches are 31-48-18 NL and 93-01-29 WL.

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 Louisiana, is amended by removing Channel 239A and adding Channel 239C2 at Minden; and by removing Channel 240A and adding Channel 264A at Natchitoches.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-9826 Filed 4-15-97; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96-224, RM-8906]

Radio Broadcasting Services; Clear Lake, SD

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Lac Qui Parle Broadcasting Company, Inc., allots Channel 296C3 at Clear Lake, South Dakota, as the community's first local aural transmission service. See 61 FR 60067, November 26, 1996. Channel 296C3 can be allotted to Clear Lake in compliance with the Commission's minimum distance separation requirements with a site restriction of 2.7 kilometers (1.6 miles) southwest to avoid a short-spacing to the licensed site of Station KMGK(FM), Channel 296A, Glenwood, Minnesota. The coordinates for Channel 296C3 at Clear Lake are North Latitude 44-44-21 and West Longitude 96-42-38. With this action, this proceeding is terminated.

DATES: Effective May 27, 1997. The window period for filing applications for Channel 296C3 at Clear Lake, South Dakota, will open on May 27, 1997, and close on June 27, 1997.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 96-224, adopted April 2, 1997, and released April 11, 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 contractors, International Transcription

Service, Inc., (202) 857-3800, 2100 M Street, N.W., Suite 140, Washington, DC 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: Sections 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 South Dakota, is amended by adding Clear Lake, Channel 296C3.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-9829 Filed 4-15-97; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PR Docket No. 92-235, DA 97-592]

Efficiency of Private Land Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for clarification.

SUMMARY: On February 14, 1997, Motorola filed a petition seeking clarification of the Commission's decision in the *Memorandum Opinion and Order* in PR Docket 92-235, FCC 96-492 (released Dec. 30, 1996) (*Refarming MO&O*). Specifically, Motorola notes that the *Refarming MO&O* allows frequency coordinators to recommend frequencies inconsistent with the adopted band plan, provided that such a system will not cause harmful interference to any existing system. This action seeks public comment on Motorola's petition.

DATES: Comments are due May 2, 1997; reply comments are due May 12, 1997.

ADDRESSES: All comments should be filed with the Office of Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, DC 20554. A copy of each filing should be sent to International Transcription Service, Inc. (ITS), 2100 M Street, N.W., Suite 140, Washington,

D.C. 20037, (202) 857-3800 and Ira Keltz, Federal Communications Commission, Wireless Telecommunications Bureau, Private Wireless Division, 2025 M Street, N.W., Room 8119, Washington, D.C. 20554. **FOR FURTHER INFORMATION CONTACT:** Ira Keltz of the Wireless Telecommunications Bureau at (202) 418-0616 or via E-Mail to mayday@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Public Notice released April 10, 1997.

1. On February 14, 1997, Motorola filed a petition seeking clarification of the Commission's decision in the *Memorandum Opinion and Order* in PR Docket 92-235, FCC 96-492 (released Dec. 30, 1996) (*Refarming MO&O*) (62 FR 2027, January 15, 1997). Specifically, Motorola notes that the *Refarming MO&O* allows frequency coordinators to recommend frequencies inconsistent with the adopted band plan, provided that such a system will not cause harmful interference to any existing system. For example, a frequency coordinator could recommend approval of applications for 5 kHz channels within a user's existing 25 kHz assignment, even though such applications would be inconsistent with the channel plan adopted in this proceeding (which calls for 6.25/7.5 kHz channel spacing). This policy was designed to increase the efficient use of the spectrum.¹

2. Although supportive of this policy, Motorola notes that implementing this flexibility for "any technology" may be constrained by other Commission regulations. For example, Motorola observes that a user who seeks to double the capacity of its system by implementing two 12.5 kHz channels within its existing 25 kHz assignment would have to use the channel centers that are 6.25 kHz removed from its existing channel center. This type of operation, however, is prohibited because these channels are restricted to emissions of 6.0 kHz or less. Motorola asks that the Commission clarify its policy to allow the described operation, thereby achieving a consistent policy of technological neutrality and encouraging migration from existing equipment to more efficient technologies.

¹ Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Radio Services and Amendment of the Commission's Rules Concerning Maritime Communications, PR Docket Nos. 92-235 and 92-257, *Memorandum Opinion and Order*, 11 FCC Rcd 17676 (1996) at para. 11.

3. The full text of the petition, comments, and reply comments are available for inspection and duplication during regular business hours in the Private Wireless Division of the Wireless Telecommunications Bureau, Federal Communications Commission, 2025 M Street, N.W., Room 8010, Washington, D.C. 20554. Copies may also be obtained from International Transcription Service, Inc. (ITS), 2100 M Street, N.W., Suite 140, Washington, D.C. 20037, (202) 857-3800.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97-9797 Filed 4-15-97; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 961226370-7074-02; I.D. 111896A]

RIN 0648-A115

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery Off the Southern Atlantic States; Amendment 2

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement Amendment 2 to the Fishery Management Plan for the Shrimp Fishery of the South Atlantic Region (FMP). Amendment 2 adds brown and pink shrimp to the FMP's fishery management unit, defines overfishing for brown and pink shrimp, defines optimum yield (OY) for brown and pink shrimp, requires the use of certified bycatch reduction devices (BRDs) in all penaeid shrimp trawls in the exclusive economic zone (EEZ) in the South Atlantic, and establishes a framework procedure for adding to the list of certified BRDs or modifying their specifications. The intended effects are to minimize the bycatch of finfish in shrimp trawling operations in the South Atlantic and to implement consistent, and therefore more enforceable, Federal and state management measures requiring the use of BRDs for reducing finfish bycatch in the penaeid shrimp fishery.

EFFECTIVE DATE: April 21, 1997.