

SUMMARY: The Commission requests comments on a petition filed by Citicasters Co., licensee of Station WKFX, Channel 289A, Marysville, OH, seeking the reallocation of Channel 289A from Marysville to Hilliard, OH, as the community's first local aural service, and the modification of Station WKFX's license accordingly. Channel 289A can be allotted to Hilliard in compliance with the Commission's minimum distance separation requirements with a site restriction of 12.1 kilometers (7.5 miles) northeast, at coordinates 40-07-47 North Latitude and 83-05-20 West Longitude, to avoid a short-spacing to the licensed site of Station WCHO-FM, Channel 288A, Washington Court House, Ohio, and to the pending application of Station WMXG, Channel 292A, London, Ohio (BPH-971202IE). Canadian concurrence in this allotment is required since Hilliard is located within 320 kilometers (200 miles) of the U.S.-Canadian border.

DATES: Comments must be filed on or before September 8, 1998, and reply comments on or before September 23, 1998.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Marissa G. Repp, F. William LeBeau, Hogan & Hartson L.L.P., Columbia Square, 555 Thirteenth Street, NW, Washington, DC 20004-1109 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 98-123, adopted July 8, 1998, and released July 17, 1998. 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, 1231 20th Street, NW, Washington, DC 20036.

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.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 98-20034 Filed 7-27-98; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98-128, RM-9308]

Radio Broadcasting Services; Crystal Falls, MI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Results Broadcasting Of Iron Mountain, Inc. proposing the allotment of Channel 244A at Crystal Falls, Michigan. Channel 244A can be allotted to Crystal Falls, Michigan, without a site restriction at coordinates 46-05-18 and 88-20-06. Canadian concurrence will be requested for this allotment.

DATES: Comments must be filed on or before September 8, 1998, and reply comments on or before September 23, 1998.

ADDRESSES: Federal Communications Commission, Washington, DC. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: John F. Garziglia, Patricia M. Chuh, Pepper & Corazzini, L.L.P., 1776 K Street, NW, Suite 200, Washington, DC 20006.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 98-128, adopted July 7, 1998, and released July 17, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's 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 Services, Inc., 1231 20th Street, NW., Washington, DC. 20036, (202) 857-3800, facsimile (202) 857-3805.

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* contact.

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.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 98-20033 Filed 7-27-98; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 980715175-8175-01; I.D. 070198B]

RIN 0648-AL35

Fisheries of the Northeastern United States; Vessel Tracking System Power Down Exemption

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes this rule to amend the regulations implementing the Atlantic Sea Scallop and Northeast Multispecies Fishery Management Plans (FMP). This action would change the name Vessel Tracking System (VTS) to Vessel Monitoring System (VMS) and would change the VMS operating requirements for vessels to allow the VMS unit to be turned off if the vessel is out of the water continuously for more than 72 consecutive hours, provided the vessel obtains and complies with a letter of exemption. The change in VMS operating requirements is necessary to address the problem of

the lack of available power to keep VMS units operational when vessels are taken out of the water for repair and maintenance.

DATES: Comments must be received on or before August 27, 1998.

ADDRESSES: Comments on the proposed rule should be sent to Jon Rittgers, Acting Administrator, Northeast Regional Office, NMFS, One Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope, "Comments on VMS Power Down Exemption."

Comments on burden-hour estimates for collection-of-information requirements contained in this proposed rule should be sent to Jon Rittgers and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20502 (Attention: NOAA Desk Officer).

Copies of the Regulatory Impact Review supporting this action may be obtained from Jon Rittgers.

FOR FURTHER INFORMATION CONTACT: Paul H. Jones, Fishery Policy Analyst, 978-281-9273.

SUPPLEMENTARY INFORMATION: Under § 648.10(d), from May 1, 1998, through April 30, 1999, multispecies vessels issued an Individual DAS or Combination Vessel (regarding multispecies fishery) permit are temporarily authorized to use the call-in system of notification (§ 648.10(c)) in lieu of the VTS, hereinafter referred to as VMS (the proposed name change to VMS is for consistency with other Regions). Under current regulations, required VMS units in the Atlantic sea scallop fishery must be fully operational at all times and transmit a signal indicating the vessel's accurate position at least every hour, 24 hours a day, without interruption, throughout the year. A vessel out of the water for repair and maintenance may not have a power supply reasonably available and in operation with which to power its VMS unit so that it may transmit hourly position reports. This action proposes to amend the operating requirements for a VMS to allow vessels in those fisheries to turn off the VMS unit if the vessel is going to be out of the water continuously for more than 72 hours. Owners of such vessels must first obtain a letter of exemption. This amendment is consistent with the primary intent of the original requirement, which was to monitor the at-sea activity of these vessels for compliance with the regulatory requirements.

Classification

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The proposed rule would change the operating requirements for a VMS to allow the owners of vessels to turn off the VMS unit if the vessel is going to be out of the water continuously for more than 72 hours. Such vessel owners must first request and obtain a letter of exemption.

The proposed action will not affect a substantial number of small business entities. The maximum estimated number of respondents is estimated to be less than 10 percent of the total vessels with full-time and part-time scallop limited access days at sea permits that are required to use a VMS unit, or 28 vessels. Efforts to minimize the burden include requiring vessel owners to submit only a minimal amount of information in a one-page letter. The cost of preparing and submitting this letter is estimated to be \$7.82, and, therefore, will not result in a significant economic impact on these vessel owners. This cost is offset by the cost of having to maintain power to the VMS unit when there is no power supply reasonably available. This action will not increase costs for small entities, compared to large entities, because all scalloping operations are small entities. As a result, a regulatory flexibility analysis was not prepared.

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid OMB control number.

The rule contains one new collection-of-information requirement subject to the PRA. A request to collect this information has been submitted to OMB for approval. The new reporting requirement is a VMS power-down authorization request, which is estimated to take 30 minutes per response. This estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection-of-information

requirements. Send comments regarding burden estimates, or any other aspect of the data collection, including suggestions for reducing the burden, to NMFS and OMB (see **ADDRESSES**).

Public comment is sought regarding whether this proposed collection of information is necessary for the proper performance of functions of the agency and whether the information has practical utility, the accuracy of burden estimate, and ways to enhance the quality, utility, and clarity of the information to be collected, and to minimize the burden of collection of information, including through the use of automated collection techniques or other forms of information technology.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: July 22, 1998.

Rolland A. Schmitt,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

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

2. In § 648.9, the acronym "VTS" in the section heading is replaced with the acronym "VMS" and paragraph (b)(2), the first sentence of paragraph (b)(5), and paragraphs (b)(7) and (c) are revised to read as follows:

§ 648.9 VMS requirements.

* * * * *

(b) * * *

(2) The VMS shall be fully automatic and operational at all times, regardless of weather and environmental conditions, unless exempted under paragraph (c)(2) of this section.

* * * * *

(5) The VMS shall provide accurate hourly position transmissions every day of the year unless exempted under paragraph (c)(2) of this section. * * *

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(7) The VMS vendor shall be capable of transmitting position data to a NMFS-designated computer system via a modem at a minimum speed of 9600 baud. Transmission shall be in a file format acceptable to NMFS.

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(c) *Operating requirements.* (1) All required VMS units must transmit a signal indicating the vessel's accurate position at least every hour, 24 hours a

day, unless such vessel is exempted under paragraph (c)(2) of this section.

(2) *Power Down Exemption.* (i) Any vessel required to have on board a fully operational VMS unit at all times, as specified in paragraph (b)(2) of this section, is exempt from this requirement provided the vessel meets the following requirements and conditions:

(A) The vessel will be continuously out of the water for more than 72 consecutive hours; and

(B) A valid letter of exemption obtained pursuant to paragraph (c)(2)(ii) of this section has been issued to and is on board the vessel, and, the vessel is in compliance with all conditions and requirements of said letter.

(ii) *Letter of Exemption—(A) Application.* A vessel owner may apply for a letter of exemption from the operating requirements specified in paragraph (c)(1) of this section by sending a written request to the Regional Administrator and providing the following: Sufficient information to determine that the vessel will be out of the water for more than 72 continuous hours; the location of the vessel during the time an exemption is sought; and, the exact time period for which an exemption is needed (i.e., the time the VMS will be turned off and turned on again).

(B) *Issuance.* Upon receipt of an application, the Regional Administrator may issue a letter of exemption if it is

determined that the vessel owner provided sufficient information as required under paragraph (c)(2)(ii)(A) of this section and that the issuance of the letter of exemption will not jeopardize accurate monitoring of the vessel's DAS. Any change in the period of time for which an exemption is needed may be granted upon written request.

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3. In addition to the amendment set forth above, the words "vessel tracking system" are replaced with the words "vessel monitoring system" and the acronym "VTS" is replaced with the acronym "VMS" whenever they appear throughout 50 CFR part 648.

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