the alien has no intention of abandoning. This is most commonly shown by possession of a well-paying job, a home, family or other ties, etc. which would, in themselves, compel the alien to return voluntarily to that place after a temporary period in the United States. Traditionally, the class of nonimmigrant most likely to fail this test is visitor for business or pleasure (''B'') under INA 101(a)(15)(B). An applicant may request reconsideration by the refusing consular officer and all refusals must, by regulation (41.121(c)), be reviewed within 120 days by a senior officer, who looks at the information as originally before the consular officer. While an applicant may also file an entirely new application, the sooner such a new application is filed after the original application, the less likely it is that conditions relevant to the intending immigrant issue will have so changed as to warrant issuance of a visa on the new application.

Nonetheless, at a number of consular offices, significant resources are spent on ''re-applications'' based on nothing more than the original application, resources that the posts cannot afford no matter how strong their ''service'' orientation. Many posts continue to experience increasing workloads without concomitant increasing staffs. Some posts have therefore instituted local policies, similar to the proposed rule, to limit expenditure of time and space on the many re-applications which are non-meritorious, while reserving discretion to accept re-applications in special circumstances, such as genuine (documentable) emergencies. The Department believes it preferable to have this procedure reflected in uniformly applicable regulations as other procedures generally are.

The rules at 22 CFR 41.103(a) outline the general procedures for filing an application for a nonimmigrant visa, and are thus the logical location for this proposed rule. No regulation could prevent an alien from filling out an application form; it is possible, however, to prevent its ''filing'', i.e., acceptance for adjudication by a consular officer.

This rule is proposed under the authority of INA 104 which invests in the Secretary of State the right to promulgate regulations necessary to administer immigration laws relating to the duties and functions of consular officers.

This rule is not expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. In addition, this rule imposes no reporting or record-keeping action on the public requiring the approval of the Office of Management and Budget under the Paperwork Reduction Act. This rule has been reviewed as required under E.O. 12998 and determined to be in compliance therewith.

This rule is exempt from review under E.O. 12866, but has been reviewed internally to ensure consistency therewith.

List of Subjects in 22 CFR Part 41

Aliens, Nonimmigrants, Passports, Visas.

In view of the foregoing, 22 CFR Part 41 is proposed to be amended as follows:

PART 41—[AMENDED]

1. The authority citation for Part 41 continues to read:

Authority: 8 U.S.C. 1104.

2. Section 41.103 is amended by adding paragraph (a)(4), to read as follows:

§ 41.103 Filing an application and Form OF–156

* * * * *

(4) A consular officer may refuse to accept for adjudication an application for a nonimmigrant visa from an applicant whose prior application at that post was denied under the provisions of INA 214(b) within the preceding six months, unless the applicant presents significantly different new evidence or evidence of a genuine emergency.

* * * * *

Dated: March 10, 1998.

Mary A. Ryan,

Assistant Secretary for Consular Affairs.

[FR Doc. 98–6826 Filed 3–16–98; 8:45 am]

BILLING CODE 4710–06–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–30; RM–9228]

Radio Broadcasting Services; Shenandoah, VA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Daryl A. Alligood requesting the allotment of Channel 296A to Shenandoah, Virginia, as the community's first local aural transmission service. Channel 296A can be allotted to Shenandoah in compliance with the Commission's minimum distance separation requirements with a site restriction of 2.1 kilometers (1.3 miles) northeast of the community in order to avoid a short-spacing conflict with the licensed operation of Station WCHG(FM), Channel 296A, Hot Springs, Virginia. The coordinates for Channel 296A are 38–30–00 NL and 78–36–33 WL. Since the proposal is located within the protected areas of the National Radio Astronomy Observatory ''Quiet Zone'' at Green Bank, West Virginia, petitioner will be required to comply with the notification requirement of § 73.1030(a) of the Commission's Rules.

DATES: Comments must be filed on or before April 27, 1998, and reply comments on or before May 12, 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: Daryl A. Alligood, 1104 New Mill Drive, Chesapeake, Virginia 23320 (petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rulemaking, MM Docket No. 98–30, adopted February 25, 1998, and released March 6, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC'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 contractor, ITS, 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 Rulemaking 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. 98–6850 Filed 3–16–98; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 980302051–8051–01; I.D. 021198B]

RIN 0648–AK78

Fisheries of the Northeastern United States; Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Recreational Measures for the 1998 Summer Flounder, Scup, and Black Sea Bass Fisheries

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

ACTION: Proposed rule, request for comments.

SUMMARY: NMFS issues this proposed rule to amend the regulations implementing the Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries (FMP). This rule proposes a possession limit of 8 fish per person and a minimum fish size of 15 inches (38 cm) for the 1998 summer flounder recreational fishery; a minimum fish size of 10 inches (25.4 cm) and an August 1 through August 15 seasonal closure for the 1998 black sea bass recreational fishery; and no change in the current regulations for the 1998 scup recreational fishery. The intent of this rule is to comply with the FMP implementing regulations that require NMFS to publish measures for the upcoming fishing year that will prevent overfishing of these resources.

DATES: Public comments must be received on or before April 16, 1998.

ADDRESSES: Copies of the Environmental Assessment prepared for the 1998 summer flounder, scup, and black sea bass specifications and supporting documents used by the Monitoring Committees are available from: Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 S. New Street, Dover, DE 19901–6790. Comments on the proposed rule should be sent to: Andrew A. Rosenberg, Ph.D., Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930. Please mark the outside of the envelope ''Comments on the 1998 Recreational Fishing Measures for Summer Flounder, Scup, and Black Sea Bass.''

FOR FURTHER INFORMATION CONTACT: David M. Gouveia, Fishery Management Specialist, (978) 281–9280.

SUPPLEMENTARY INFORMATION: The FMP was developed jointly by the Atlantic States Marine Fisheries Commission (Commission) and the Mid-Atlantic Fishery Management Council (Council) in consultation with the New England and South Atlantic Fishery Management Councils. Implementing regulations for the fishery are found at 50 CFR part 648.

Sections 648.100, 648.120, and 648.140 outline the process for determining annual commercial and recreational catch quotas and other restrictions for the summer flounder, scup, and black sea bass fisheries. Pursuant to the FMP, Monitoring Committees (Committee) have been established for each of the three fisheries. Each Committee is comprised of representatives from the Commission, NMFS, and the Mid-Atlantic, New England, and South Atlantic Fishery Management Councils. The FMP requires each Committee to review, on an annual basis, scientific and other relevant information and to recommend harvest limits and other restrictions necessary to achieve the fishing mortality rates (F) of the summer flounder, scup, and black sea bass fisheries. For 1998, the FMP defines F as 0.24 for summer flounder; 0.72 for scup; and 0.73 for black sea bass.

Each Committee reviews the following information annually: (1) Commercial and recreational catch data; (2) current estimates of stock mortality; (3) stock status; (4) recent estimates of recruitment; (5) virtual population analysis (a method for analyzing fish stock abundance); (6) levels of regulatory noncompliance by fishermen or individual states; (7) impact of fish size and net mesh regulations; (8) impact of gear, other than otter trawls, on the mortality of summer flounder; and (9) other relevant information. Pursuant to §§ 648.100, 648.120, and 648.140, after this review, each Committee recommends to the Council and Commission management measures to assure achievement of the appropriate fishing mortality rate for each fishery. The Council and Commission, in turn, make a recommendation to the Regional Administrator.

Final specifications for the 1998 summer flounder, scup, and black sea bass fisheries were published on December 18, 1997 (62 FR 66304), including a coastwide recreational harvest limit of 7.41 million lb (3.36 million kg) for summer flounder; 1.553 million lb (0.70 million kg) for scup; and 3.148 million lb (1.43 million kg) for black sea bass. The recreational season, possession limit, and minimum size for 1998 were not established as part of the final specifications because recreational catch data for 1997 were not available for the Committees' use in evaluating the effectiveness of the 1997 measures. Shortly after preliminary data became available, each Committee met to review the 1997 data and to recommend measures for the 1998 recreational fisheries intended to complement the recreational harvest limits.

Summer Flounder

Using available data and catch estimates for the final months of 1997, the Council estimates that the summer flounder recreational sector exceeded its harvest limit by approximately 1.88 million lb (0.85 million kg). Since the 1998 specifications allocate the same recreational harvest level as in 1997 (7.41 million lb (3.36 million kg)), a 20.2 percent reduction in recreational landings from the 1997 level is needed. To accomplish this reduction, the Committee recommended either increasing the recreational minimum fish size to 15 inches (38 cm) and reducing the possession limit to 6 fish per person or maintain the minimum size at 14.5 inches (36.8 cm) and reduce the possession limit to 3 fish per person.

The Council and Commission reviewed the Committee recommendation but felt it was more restrictive than necessary. Instead, to achieve the needed reduction, the Council and the Commission proposed two alternative options, and proposed to allow each state to select either of the two sets of measures for implementation. The first option recommended an increase in the recreational minimum fish size to 15 inches (38 cm) and a reduction in the possession limit from 10 to 8 fish per person. The second option would maintain the minimum size at 14.5 inches (36.8 cm) and reduce the possession limit to six fish per person. Additionally, the second option included a closed season provision that would reduce the 1998 landings in a state by 8 percent from its 1997 landings level. The reduction attributed to each month would be calculated based on 1992–96 data.

The request by the Council to implement two distinct management regimes for summer flounder triggered