

**ADDRESSES:** Federal Communications Commission, 445 Twelfth Street, SW., Room TW-A325, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Gary D. Michaels, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, at (202) 418-0660, or Scot Stone, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, at (202) 418-0680.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Order* in WT Docket No. 99-87, DA 99-1861, adopted and released on September 10, 1999. The full text of the *Order* is available for inspection and copying during normal business hours in the FCC Reference Information Center, Room CY-A257, 445 Twelfth Street, SW., Washington, DC 20554, and may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 445 Twelfth Street, SW., Room CY-B400, Washington, DC 20554, (202) 314-3070. The *Order* is also available on the Internet at the Commission's web site: <http://www.fcc.gov/wtb/documents.html>.

1. On March 25, 1999, the Commission released a *Notice of Proposed Rule Making* ("NPRM"), WT Docket No. 99-87, RM-9332, RM-9405, FCC 99-52, 63 FR 23571, May 3, 1999. The *NPRM* initially stated that comments and reply comments would be due on or before July 2, 1999 and August 2, 1999, respectively. On May 19, 1999 the Commission released an *Order*, WT Docket No. 99-87, RM-9332, RM-9405, FCC 99-950, 64 FR 30288, June 7, 1999, extending the deadline for comments to August 2, 1999 and reply comments to September 16, 1999.

2. On September 8, 1999, the Land Mobile Communications Council ("LMCC") filed a "Request for Extension of Time to File Reply Comments" to extend the deadline for filing reply comments to September 30, 1999. LMCC contends that an extension is warranted due to the voluminous initial responses to the *NPRM*, the multiple questions raised therein as well as coinciding comment deadlines in other Commission proceedings that significantly impact the private wireless industry.

3. Although the Commission does not routinely grant extensions of time in rule making proceedings, we agree that an extension will afford parties the necessary time to coordinate and file reply comments that will facilitate the compilation of a more complete record in this proceeding, without causing

undue delay of the Commission's consideration of the issues.

Accordingly, *it is ordered* that the "Request for Extension of Time to File Reply Comments" filed by the Land Mobile Communications Council is granted. Interested parties may file reply comments on or before September 30, 1999.

4. This action is taken pursuant to the authority provided in 47 CFR 1.46 and under delegated authority pursuant to 47 CFR 0.131, 0.331.

Federal Communications Commission.

**Mark R. Bollinger,**

*Deputy Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau.*

[FR Doc. 99-24232 Filed 9-15-99; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 99-1803, MM Docket No. 99-276, RM-9702]

### Radio Broadcasting Services; Scappoose and Tillamook, OR

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Thunderegg Wireless, L.L.C., licensee of Station KJUN, requesting the reallocation of Channel 281C3 from Tillamook to Scappoose, OR, as the community's first local aural service, and the modification of Station KJUN's license to specify Scappoose as its community of license. Channel 281C3 can be allotted to Scappoose in compliance with the Commission's minimum distance separation requirements with a site restriction of 6.5 kilometers (4.1 miles) northwest, at coordinates 45-46-58 NL; 122-57-13 WL, to accommodate petitioner's desired transmitter site. Canadian concurrence in the allotment is required since Scappoose is located within 320 kilometers (200 miles) of the U.S.-Canadian border.

**DATES:** Comments must be filed on or before October 25, 1999, and reply comments on or before November 9, 1999.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or

consultant, as follows: John E. Fiorini III, H. Anthony Lehv, Gardner, Carton & Douglas, 1301 K Street, NW., Suite 900, East Tower, Washington, DC 20005 (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. 99-276, adopted August 25, 1999, and released September 3, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., 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. 99-24156 Filed 9-15-99; 8:45 am]

BILLING CODE 6712-01-U

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 990907245-9245-01; I.D. 082499B]

RIN 0648-AM86

### Fisheries of the Northeastern United States; Atlantic Herring Fishery; Atlantic Herring Fishery Management Plan

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

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Advance notice of proposed rulemaking; notice of a control date for the Atlantic herring fishery.

**SUMMARY:** NMFS announces that it is considering, and is seeking public comment on, proposed rulemaking under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) to control future access to the Atlantic herring (*Clupea harengus*) fishery. This notification is intended, in part, to promote awareness of potential eligibility criteria for future access to the herring fishery so as to discourage speculative entry into the herring fishery while the New England Fishery Management Council (Council) and NMFS consider whether and how access and effort in all or part of the herring fishery should be controlled. The date of publication of this notification, September 16, 1999 shall be known as the "control date", and may be used for establishing eligibility criteria for future access to the herring fishery subject to Federal authority.

**DATES:** Comments must be received by October 18, 1999.

**ADDRESSES:** Comments should be directed to Patricia Kurkul, Regional Administrator, Northeast Region, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930-2298.

**FOR FURTHER INFORMATION CONTACT:** David Gouveia, Fishery Management Specialist, 978-281-9280.

**SUPPLEMENTARY INFORMATION:** Atlantic herring is a migratory pelagic species that supports important commercial fisheries along the Atlantic coast of the United States and Canada. In addition, Atlantic herring is a key forage species for seabirds, marine mammals, and other species of fish. The Fishery Management Plan for Atlantic Herring (FMP) is under Secretarial review for approval/disapproval by October 27, 1999. The FMP was developed by the Council to manage the fishery and prevent overfishing. The FMP proposes measures to manage Atlantic herring as an open access fishery that primarily controls fishing mortality through total allowable catch (TAC) levels allocated among four different management areas. These proposed management areas are identified as Area 1A (inshore Gulf of Maine), Area 1B (offshore Gulf of Maine), Area 2 (south coastal area), and Area 3 (Georges Bank).

Based on the most recent assessment, the overall stock biomass is estimated to be at record high levels (27<sup>th</sup> Northeast

Regional Stock Assessment Workshop). However, while overall fishing mortality is very low, the resource is fully exploited in the Gulf of Maine. Despite current overall stock size, there appears to be sufficient harvesting capacity to warrant not only concern about excess harvesting capacity entering this fishery in all proposed management areas, but concern over the impact of increased fishing effort in proposed Management Area 1A, where most herring catches have been taken for the last 20 years. The FMP proposes a TAC of 45,000 metric tons (mt) for Management Area 1A for fishing year 1999 and the Council has proposed no change in this level for fishing year 2000. Landings in 1996 and 1997 from this area exceeded 70,000 mt. Catches in 1998 did not exceed the proposed TAC, but clearly the capacity to exceed the TAC exists. Subsequently, a limitation on entry into the herring fishery in the inshore Gulf of Maine (proposed Management Area 1A) may be implemented prior to a controlled access system being implemented for other herring management areas.

The Council is considering development of a controlled access system in the Atlantic herring fishery to address the principle of matching capacity to sustainable harvest level. The Council recognizes there may be room for an increase in fishing effort in some of the proposed management areas but is concerned over the impact of increasing fishing effort in the inshore Gulf of Maine proposed Management Area 1A. Therefore, the Council may consider a system that will control increases in fishing effort in proposed Management Area 1A while potentially allowing some additional fishing effort in proposed Management Areas 1B, 2 and 3, or in other management areas that may be developed. The limitation on entry into the fishery in proposed Management Area 1A, or any other proposed management area that may be developed, may be based on levels of participation or other criteria such as domestic harvest capacity. These limitations on entry may also be implemented prior to implementation of a controlled access system for the entire herring fishery. If a controlled access system is implemented, fishery participants may need to preserve records that substantiate and verify their participation in the Atlantic herring fishery in Federal waters. This announcement, therefore, gives the public notification that interested participants should locate and preserve records that substantiate and verify their participation in the Atlantic herring fishery in Federal waters.

The control date is intended to discourage speculative entry into the Atlantic herring fishery, particularly in the inshore Gulf of Maine, while controlled access schemes are developed by the Council. Any scheme for controlling access may treat participants differently based on conditions in, and criteria to be established for, different herring management areas. Existing domestic harvesting capacity within fisheries of the Northeast Region of the NMFS prior to the control date may also be treated differently from new capacity. The control date will help to distinguish established participants from speculative entrants to the fishery. Although participants are notified that entering the fishery after the control date will not assure them of future access to the Atlantic herring resource on the grounds of previous participation, additional and/or other qualifying criteria may also be applied. The Council and NMFS may choose different and variably weighted methods to qualify participants, based on the type and length of participation in the fishery.

This notification establishes September 16, 1999 as the control date for potential use in determining historical or traditional participation in the Atlantic herring fishery. Consideration of a control date does not commit the Council or NMFS to any particular management scheme or criteria for entry into the Atlantic herring fishery. This notification does not prevent any other control date for eligibility in the fishery, or any other method of controlling access and/or fishing effort, from being proposed and implemented. The Council and NMFS may choose a different control date or may choose a management scheme that does not make use of such a date. Participants who enter the herring fishery on or after the control date may be treated differently than those with a history in the herring fishery prior to the control date. Fishermen are not guaranteed future participation in the fishery, regardless of their entry date or intensity of participation in the fishery before or after the control date. The Council and NMFS may choose to give variably weighted consideration to fishermen active in the fishery before and after the control date. The Council and NMFS may also choose to take no further action to control entry or access to the fishery, in which case the control date may be rescinded. Any action by the Council and NMFS will be taken pursuant to the requirements for FMP

development established under the Magnuson-Stevens Act.

This control date notification has been determined to be not significant under E.O. 12866.

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

Dated: September 10, 1999.

**Andrew A. Rosenberg,**

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

[FR Doc. 99-24198 Filed 9-15-99; 8:45 am]

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