

2. Section 95.803 is amended by revising paragraphs (a) and (b) to read as follows:

§ 95.803 IVDS description.

(a) An IVDS system is a point-to-multipoint, multipoint-to-point, short distance communications service for its licensees to provide information, products, or services to, and allow interactive responses from, subscribers in the licensee's service area.

(b) The components of each IVDS system are its administrative apparatus, its response transmitter units (RTUs), and one or more cell transmitter stations (CTSs). RTUs may be used in any location within the service area. Each IVDS system is authorized for a specific service area and frequency segment. There can be a maximum of two IVDS systems per service area. There are two frequency segments available for each service area.

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3. Section 95.805 is amended by revising paragraphs (b), (c) and (e) to read as follows:

§ 95.805 Permissible communications.

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(b) Direct CTS-to-CTS communications within the same IVDS system are permitted.

(c) Direct RTU-to-RTU communications are prohibited. No mobile RTU in an IVDS system may be interconnected with the public switched network or any commercial mobile radio service.

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(e) An IVDS system may provide fixed and mobile service to subscribers within its service area.

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4. Section 95.855 is amended by revising paragraph (a) to read as follows:

§ 95.855 Transmitter effective radiated power limitation.

(a) The effective radiated power (ERP) of each CTS and RTU shall be limited to the minimum necessary for successful communications. RTUs with powers in excess of 100 milliwatts must incorporate automatic power control to ensure the minimum ERP is used. No CTS may transmit with an ERP exceeding 20 watts. No fixed RTU may transmit with an ERP exceeding 20 watts. No mobile RTU may transmit with an ERP exceeding 100 milliwatts mean power.

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5. Section 95.863 is revised to read as follows:

§ 95.863 Duty cycle.

(a) Except as provided in paragraph (b) of this section, the maximum duty cycle of each RTU, either fixed or mobile, shall not exceed 5 seconds-per-hour, or, alternatively, not exceed one percent within any 100 millisecond interval.

(b) The duty cycle limitation specified above for RTUs does not apply in the following situations:

(1) To fixed and mobile RTUs when there is no TV channel 13 predicted Grade B contour overlap in the licensed service area; or

(2) To fixed RTUs in areas where there is Grade B contour overlap and the RTU is located outside the TV channel 13 predicted Grade B contour but within the licensed service area.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 625

[Docket No. 960412110-6166-02; I.D. 030596E]

RIN 0648-AI93

Summer Flounder Fishery; 1996 Recreational Fishery Measures

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

ACTION: Final rule.

SUMMARY: NMFS issues the final specifications for the 1996 summer flounder recreational fishery, including no closed season, a possession limit of eight fish per person and a minimum fish size of 14 inches (35.6 cm). The intent of this document is to comply with implementing regulations for the fishery that require NMFS to publish measures for the upcoming fishing year that will prevent overfishing of the resource.

EFFECTIVE DATE: June 20, 1996.

ADDRESSES: Copies of the Environmental Assessment and supporting documents used by the Monitoring Committee are available from: Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 S. New Street, Dover, DE 19901-6790.

FOR FURTHER INFORMATION CONTACT: Regina L. Spallone, Fishery Policy Analyst, (508) 281-9221.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Summer Flounder Fishery (FMP) was developed jointly by the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission (ASMFC), in consultation with the New England and South Atlantic Fishery Management Councils. The management unit for the FMP is summer flounder (*Paralichthys dentatus*) in U.S. waters of the Atlantic Ocean from the southern border of North Carolina northward to the Canadian border. Implementing regulations for the fishery are found at 50 CFR part 625.

Section 625.20 outlines the process for determining annual commercial and recreational catch quotas and other restrictions for the summer flounder fishery. Pursuant to § 625.20, the Director, Northeast Region, NMFS, implements measures for the fishing year to ensure achievement of the fishing mortality rate specified in the FMP. This document announces the following measures pertaining to the recreational fishery, which are unchanged from the proposed measures that were published in the Federal Register on April 22, 1996 (61 FR 17682): (1) The continued elimination of the closed season, (2) an individual possession limit of 8 fish per person, and (3) a minimum fish size of 14 inches (35.6 cm).

Comments and Responses

No comments were received during the comment period concerning the proposed measures.

Classification

This action is authorized by 50 CFR part 625.

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

When this rule was proposed, 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 action would not have a significant economic impact on a substantial number of small entities. The reasons were published in the proposed rule and are not repeated here. As such, a Regulatory Flexibility Act analysis has not been prepared.

The Assistant Administrator for Fisheries, NOAA, finds that there is good cause to waive the delayed effectiveness of this rule under 5 U.S.C. 553(d)(3). As was noted in the proposed rule, these measures should become effective immediately as the season has

already started and the increase in possession limit eases a restriction. Also, the final specifications for the 1996 summer flounder recreational fishery could not be established when the final 1996 specifications were implemented because recreational catch data for 1995 were not available for the Summer Flounder Monitoring Committee to evaluate the effectiveness of the management measures in attaining the 1995 harvest limit.

List of Subjects in 50 CFR Part 625

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: June 19, 1996.
Gary Matlock,
Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 625 is amended to read as follows:

PART 625—SUMMER FLOUNDER FISHERY

1. The authority citation for part 625 continues to read as follows:

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

2. In § 625.25, in paragraph (a) the first sentence is revised to read as follows:

§ 625.25 Possession limit.

(a) No person shall possess more than eight summer flounder in, or harvested from, the EEZ unless that person is the owner or operator of a fishing vessel issued a moratorium permit under § 625.4. * * *

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[FR Doc. 96-16170 Filed 6-20-96; 2:13pm]

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