the above proceeding is extended until September 6, 1989.

Thomas P. Stanley,

Chief Engineer.

[FR Doc. 89-19933 Filed 8-23-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 15

[Gen. Docket Nos. 89-116, 89-117 and 89-118; DA 89-973]

Procedure for Measurement of Intentional Radiators; Extension of Comment Period

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of time.

SUMMARY: The Chief Engineer, in response to several requests for a 60-day extension, granted an additional 30-day time period in which to file comments in the proceeding to revise the FCC procedure for testing intentional radiators (TP-3), unintentional radiators (TP-4) and radio control and security devices and their associated receivers (TP-6) (54 FR 28690-28693, July 7, 1989). The additional time will give interested parties the necessary time to file meaningful comments.

DATES: Comments to be filed on or before September 11, 1989 and reply comments to be filed on or before October 9, 1989.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Richard Fabina, FCC Laboratory, 301-725-1585.

SUPPLEMENTARY INFORMATION:

In the matter of: FCC procedure for measurement of intentional radiators (except for periodic and spread spectrum devices and devices operating below 30 MHz); FCC procedure for measuring RF emissions from intentional radiators with periodic operation and associated superregenerative receivers; FCC procedure for measurement of unintentional radiators (except digital devices and devices operating below 30 MHz).

Adopted: August 14, 1989

Released: August 16, 1989

By the Chief Engineer: 1. Notices of Proposed Rule Making in the above entitled proceedings, FCC 89-154, FCC 89-155 and FCC 89-156, respectively, were adopted by the Commission on May 12, 1989, and released on June 29, 1989. Comments and reply comments in these proceedings are due on August 21, 1989, and September 5, 1989, respectively.

2. On July 28, 1989, the Computer and Business Equipment Manufacturers Association (CBEMA) filed with the Commission a petition requesting an extension of the time for filing comments in these proceedings to October 9, 1989. A concurrent proceeding in General Docket No. 89-44 is seeking to revise the FCC established measurement procedure for digital devices. The measurement procedures in these proceedings are similar in many aspects, indeed, have the same foundation in RF emission measurement techniques as the digital device measurement procedure proposed in Gen. Docket No. 89-44. Since many of the its members are expected to expand their interests into other low power uses of the RF spectrum, CBEMA is asking for more time for its members to adequately evaluate the proposals in these proceedings.

3. On August 3, 1989, Compaq Computer Corporation (Compaq) filed a petition supporting the CBEMA petition requesting a 60 day extension on the date for filing comments in these proceedings. The Compaq petition essentially states the same reasons for the requested 60 day extension.

4. The Commission values contributions made to the development of national measurement standards by organizations such as CBEMA and Compaq. Because of the additional information and experience which can be added to these proceedings by CBEMA, Compaq and others, as well as our desire to have a fully developed record before us in each proceeding, it has been determined that an extension of the reply comment data in each proceeding is warranted. However, due to our desire to resolve these proceedings as soon as possible, we feel that extending the reply comment period as requested will prolong these proceedings unnecessarily. We believe that the concerns of all interested parties can still be resolved by extending the comment period in each proceeding by 30 days, instead of the requested 60 days. Accordingly, it is ordered, pursuant to the delegated authority contained in 47 CFR 0.241(a)(5), that the period of time for the filing comments in the above proceedings is extended until September 11, 1989, and the time for filing of reply comments is extended until October 9, 1989.

Thomas P. Stanley,

Chief Engineer.

[FR Doc. 89-19935 Filed 8-23-89; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 640

[Docket No. 90893-9193]

RIN 0648-AC29

Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Proposed rule.

SUMMARY: NOAA issues this proposed rule to implement Amendment 2 to the Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic (FMP). This proposed rule would establish a regulatory amendment procedure for the future implementation of specified types of gear and harvest restrictions applicable to the fishery in the exclusive economic zone (EEZ). The intended effects of this proposed rule are to provide a more flexible and timely system implementing rules governing the conduct of the spiny lobster fishery, enhance cooperative Florida (State)/federal management, reduce federal management costs, improve the effectiveness of necessary rules, and presumably increase productivity from the resource.

DATE: Written comments must be received on or before October 10, 1989.

ADDRESSES: Comments on this proposed rule and requests for copies of Amendment 2 which incorporates the draft regulatory impact review (RIR) and the draft environmental assessment (EA) should be sent to Michael E. Justen, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Michael E. Justen, 813-893-3722.

SUPPLEMENTARY INFORMATION: The spiny lobster fishery is managed under the FMP, prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils), and its implementing regulations at 50 CFR part 640, under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). Amendment 2, prepared jointly by the Councils, proposes a regulatory amendment procedure to implement or modify certain gear and harvest limitations, as a substitute for the costly, time-consuming FMP amendment process presently required for such actions. Amendment 2 also modifies in the FMP several of the issues, a management objective, the statement of optimum yield, and the habitat section and adds a new section on vessel safety to the FMP.

The directed fishery for spiny lobsters occurs entirely within or off the waters of Florida with the principal harvest area being the Florida Keys reef tract. Consequently, the great preponderance of landings have occurred in Monroe County, Florida (96 percent in 1984). East coast landings have occurred primarily in Dade County (Miami area), Florida. Landings of smaller amounts and/or of a sporadic nature have

occurred in other east and west coast Florida counties. Over 90 percent of spiny lobsters consumed in the U.S. are imported. Management of the fishery has been based on rules almost entirely developed by the State of Florida.

The FMP provides management authority only for that part of the fishery operating in the EEZ. The fishery within State waters remains under State authority. To achieve its conservation and management objectives of protecting the fishery throughout its range and to effectively coordinate management with the State, the FMP, as implemented in 1982, complemented the State's management regime. Subsequent amendments have largely extended State rules into the EEZ. However, some measures implemented in the EEZ were different from those of the State. In 1984, the Councils prepared Amendment 1 in an attempt to resolve the remaining State/federal management incompatibilities and generally to improve management of the resource. Although the State, through its representative on the two Councils, had extensive input during the 3-year development process of Amendment 1, the resulting state and federal regulations implemented in 1987 still contained significant incompatibilities with regard to bag and size limits, permits, and use of undersized lobsters as attractants. These incompatibilities are largely due to changes by the State during the lengthy period required to implement a change via an amendment to the FMP and exemplify the differences in the relative responsiveness of the federal and state management systems.

Concern over the difficulties experienced in implementing compatible regulations prompted the Councils, the Florida Marine Fisheries Commission (FMFC), and the Director, Southeast Region, NMFS (Regional Director) to pursue alternative state/federal management structures that would optimize the use of limited state and federal resources, prevent duplication of effort, and make maximum use of the existing State regime. Accordingly, Amendment 2 proposes a procedure whereby the FMFC may request the Regional Director to implement in the EEZ by regulatory amendment, with Councils' oversight, modification to certain gear and harvest limitations applicable to State waters that were proposed by the FMFC and approved by the Florida Governor and Cabinet. The regulatory amendment process requires publication of a proposed rule in the Federal Register, a public comment period, and, if the rule is approved, publication of a final rule in the Federal Register.

Under Amendment 2, the Councils, FMFC, and NMFS would adopt a protocol that describes the roles and positions of the federal and State governments in the management of the spiny lobster fishery. The provisions of the protocol are as follows:

1. The Councils and NMFS acknowledge that the fishery is a State fishery (which extends into the EEZ) in terms of current participants in the directed fishery, major nursery, fishing, and landing areas, and historical regulation; and it is a fishery requiring cooperative State/federal efforts for effective management through an FMP.

2. The Councils and NMFS acknowledge that the State is managing and will continue to manage the resource to protect and increase the long-term yields and prevent depletion of the lobster stocks and that the State Administrative Procedure Act and rule implementation procedures, including final approval of the rules by Governor and Cabinet, provide ample and fair opportunity for all persons to participate in the rulemaking procedure.

3. The FMFC acknowledges that rules proposed for implementation under this amendment must be consistent with the management objectives of the FMP, the national standards, other provisions of the Magnuson Act, and other applicable federal law. Federal rules will be implemented in accordance with regulatory amendment procedures.

4. The Councils and NMFS agree that, for any of the rules defined within this amendment, the State may propose the rule directly to NMFS, concurrently informing the Councils of the nature of the rule, and that NMFS will implement the rule within the EEZ provided it is consistent under protocol number 3. If either of the Councils informs NMFS of its concern over the rule's inconsistency with protocol number 3, NMFS will not implement the rule until the Councils, FMFC, and NMFS or their representatives meet and resolve the issue (i.e., until the Council has withdrawn its objection).

5. The State will have the responsibility for collecting and developing the information upon which to base the fishing rules, with assistance by NMFS as needed, and will cooperatively share the responsibility for enforcement with federal agencies.

6. FMFC will provide to NMFS and to the Councils written explanations of its decisions related to each of the rules (including a statement of the problem that the rulemaking addresses, how the rule will solve the problem, and how interested parties were involved in the rulemaking), summaries of public comments, biological, economic and social analyses of the impacts of the proposed rule and alternatives, and such other information that is relevant.

7. The rules will apply to the EEZ for the management area (North Carolina to Texas) unless the Regional Director determines they may adversely impact other state and federal fisheries. In that event, the Regional Director may limit the application of the rule, as necessary, to address the problem.

8. NMFS agrees that its staff will prepare the proposed federal rule. The Councils agree that their staffs, with assistance by the staffs of FMFC and NMFS, will prepare the EA/RIR and other documents required in support of the rule.

The Councils believe that using a regulatory amendment procedure for implementation by the Regional Director, under oversight by the Councils, of certain types of rules adopted by the State has the following advantages:

1. It provides a more flexible and timely system that should result in compatible rules between State and federal jurisdictions.

2. It provides ample and fair opportunity for public input into the rulemaking process through state hearings and workshops, Council oversight, and public comment to NMFS on the proposed rule.

3. It is more cost-effective by (a) allowing the Councils and the Regional Director to use public hearing information gathered by and socioeconomic analyses prepared by the State, (b) increasing enforcement effectiveness through compatible State/federal rules, and (c) shifting the costs of data gathering and interpretation to the State.

4. It provides the Councils with opportunity to review each rule for consistency with the FMP objectives and the Magnuson Act and ensures that Councils' concerns regarding consistency are resolved before a rule may be implemented.

5. It does not prohibit the Councils from exercising their amendment or public hearing authority for changes to the FMP.

6. It provides the State with a more responsive management system for the EEZ portion of a fishery that is largely a State fishery (99.3 percent of spiny lobster permit holders in 1986 were State residents), whereas previously, by virtue of the localized geographical scope of the spiny lobster fishery, the Councils placed higher priority on

amending FMPs with regional application, thereby delaying implementation of compatible rules and adversely impacting effective management of the fishery.

7. It assures that the management objectives of the Council and FMFC are carried out in a manner that more effectively benefits the resource and user groups, within the standards of the Magnuson Act and the standards of the FMFC.

Concomitant with the proposed regulatory amendment procedure for changing certain gear and harvest limitations, Amendment 2 proposes to (1) amend and add to the issues of the "Problems and Issues in the Fishery" identified in the FMP; (2) add to the FMP a "Management Objective" to provide for a more flexible management system that minimizes regulatory delay, thus assuring more effective, cooperative State and federal management of the fishery; (3) modify the statement of optimum yield to remove numerically specified minimum legal carapace and tail lengths, thus permitting modification of those lengths by the regulatory amendment process contained in Amendment 2; (4) add a "Vessel Safety" section; and (5) update the "Habitat of the Stocks" section. These amendments and additions are discussed in Amendment 2, the availability of which was published in the **Federal Register** (54 FR 31063, July 26, 1989. The Secretary may adopt the proposed regulatory text in some form other than as an amendment to 50 CFR part 640, or as an appendix to that part.

Classification

Section 304(a)(1)(D)(ii) of the Magnuson Act, as amended by Public Law 99-659, requires the Secretary of Commerce (Secretary) to publish regulations proposed by a Council within 15 days of receipt of an amendment and regulations. At this time, the Secretary has not determined that Amendment 2, which this proposed rule would implement, is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making that determination, will take into account the data, views, and comments received during the comment period.

The Councils prepared within Amendment 2 an environmental assessment (EA) that discusses the impact on the environment as a result of this rule. A copy of the EA may be obtained at the address listed above and comments on it are requested.

The Under Secretary for Oceans and Atmosphere, NOAA, determined that this proposed rule is not a "major rule" requiring the preparation of a regulatory impact analysis under E.O. 12291. This proposed rule, if adopted, is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; or a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Councils prepared within Amendment 2 a regulatory impact review (RIR) which concludes that this rule, if adopted, would have the economic effect of reducing federal spiny lobster management costs. A copy of the draft RIR may be obtained at the address listed above.

The General Counsel of the Department of Commerce certified to the Small Business Administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities because the rule would only establish a procedure for the future implementation of specified types of gear and harvest restrictions on fishing in the EEZ. Each future action will be accompanied by an RIR and, if it will have a significant economic impact on a substantial number of small entities, a regulatory flexibility analysis will be prepared. As a result, a regulatory flexibility analysis was not prepared for this rule to implement Amendment 2.

This proposed rule is exempt from the procedures of E.O. 12291 under section 8(a)(2) of that order. It is being reported to the Director, Office of Management and Budget, with an explanation of why it is not possible to follow the procedures of that order.

The Councils determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of North Carolina, South Carolina, Florida, Alabama, Mississippi, and Louisiana. Georgia and Texas do not have approved coastal zone management programs. This determination has been submitted for review by the responsible state agencies under section 307 of the Coastal Zone Management Act.

This proposed rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

The Deputy Assistant Secretary of Commerce for Intergovermental Affairs has determined that Amendment 2 and this proposed rule have sufficient federalism implications to warrant preparation of a federalism assessment (FA) under E.O. 12612. Because section 304(a)(1)(D)(ii) of the Magnuson Act requires the Secretary to publish regulations proposed by a Council within 15 days of receipt, there is insufficient time to prepare an FA prior to publication. However, an FA is being prepared and will be available, upon request, at the address listed above approximately 10 days after the date this rule is published in the **Federal Register**. Based on a preliminary analysis, there are no provisions or elements of Amendment 2 or this proposed rule that are inconsistent with the principles, criteria, and requirements set forth in sections 2 through 5 of E.O. 12612. Further, Amendment 2 and the proposed rule would not appear to affect Florida's ability to discharge traditional state governmental functions, or other aspects of state sovereignty. The FA will address these preliminary determinations as well as the extent to which Amendment 2 and this proposed rule will impose costs or burdens on Florida, and Florida's ability to carry out its responsibilities under Amendment 2 and this proposed rule.

List of Subjects in 50 CFR Part 640

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: August 16, 1989.

James E. Douglas, Jr.,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For reasons set forth in the preamble, 50 CFR Part 640 is proposed to be amended as follows:

PART 640—SPINY LOBSTER FISHERY OF THE GULF OF MEXICO AND SOUTH ATLANTIC

1. The authority citation for the part 640 continues to read as follows:

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

2. Section 640.24 is redesignated as § 640.25 and a new § 640.24 is added to read as follows:

§ 640.24 Modification of gear and harvest limitations.

(a) *Applicability.* The following specified types of rules applicable to the spiny lobster fishery in the EEZ may be established or modified in accordance with the procedures of paragraphs (b), (c), and (d) of this section:

(1) Gear limitations:

(i) Setting the number of traps that may be fished by each vessel;

(ii) Prescribing the construction characteristics of traps, including escape gaps;

(iii) Specifying gear and vessel identification requirements;

(iv) Specifying gear that may be used or prohibited in a directed fishery;

(v) Specifying bycatch levels that may be taken as incidental catch in a non-directed fishery; and

(vi) Specifying the soak or removal periods for traps and the procedures for removal of lost or abandoned traps.

(2) Harvest limitations:

(i) Specifying the recreational bag and possession limits;

(ii) Specifying fishing seasons;

(iii) Restricting use, possession, and handling of undersized lobsters; and

(iv) Specifying minimum legal size limits.

(b) *Initiation.* (1) After final approval by the Florida Governor and Cabinet of a rule proposed by the Florida Marine Fisheries Commission (FMFC), the FMFC will advise the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and the Regional Director of any rule within the scope of paragraph (a) of this section that the FMFC is recommending for implementation in the EEZ by regulatory amendment. Such written recommendation must include:

(i) The FMFC rule;

(ii) The proposed implementation date;

(iii) A statement of the problem that the rule addresses and how the rule will solve the problem;

(iv) A summary of the best available scientific information relative to the problem;

(v) Alternatives to the rule that were considered by the FMFC;

(vi) Analyses of the biological, economic, and social impacts of the rule and the alternatives;

(vii) A statement of how interested persons were involved in the rulemaking and a summary of public comments; and

(viii) Such other information that is relevant.

(2) For a rule to be implemented by the start of the next fishing season, an FMFC rule and recommendation that is consistent with the criteria specified in paragraph (c)(1) of this section must be provided to the Councils and the Regional Director not later than 6 months before the start of the fishing season. The effective date of an FMFC rule implemented under this procedure will be the starting date of the next fishing season following final approval of the regulatory amendment unless otherwise agreed upon by the FMFC, the Councils, and the Regional Director.

(3) The Councils will submit the rule and supporting analyses to their Scientific and Statistical Committees who will advise the Regional Director of the scientific validity of the analyses. The Councils will also submit the rule and supporting analyses to their advisory panels for comment to the Councils and the Regional Director.

(4) If either Council judges the FMFC rule to be inconsistent with the Magnuson Act or the objectives of the FMP, that Council will so advise the other Council, the Regional Director, and the FMFC of that judgment. In that event, the Regional Director will not proceed with implementation of the FMFC rule until the issue of consistency is resolved (i.e., until the Council has withdrawn its objection).

(5) With assistance from the FMFC, the Councils will prepare such supporting documentation (environmental assessment/environmental impact statement, regulatory impact review, regulatory flexibility analysis) as may be required.

(c) *Review.* The Regional Director will review the FMFC rule and recommendations, the supporting analyses, and the supporting documentation. If the Regional Director preliminarily concludes that the rule is consistent with the national standards, other provisions of the Magnuson Act, other applicable law, and the objectives of the Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic (FMP) and that the FMFC rule and recommendation are consistent with the scope and procedures of paragraphs (a) and (b) of this section, he will notify the Councils and the FMFC of his intent to implement the FMFC rule in the EEZ by regulatory amendment. If he concludes that the FMFC rule or recommendation is not consistent, he will immediately notify the Councils and the FMFC. The Councils and the FMFC will be given an opportunity to correct a deficiency in the FMFC rule or recommendation, the record, or the supporting documents.

(d) *Implementation.* (1) When the Regional Director preliminarily concludes that the FMFC rule and recommendation are consistent with the criteria specified in paragraph (c) of this section, provided any issue of consistency raised by a Council has been resolved, the Regional Director will draft and the Secretary will publish in the **Federal Register** a Federal proposed rule with a 30-day public comment period.

(2) After reviewing any public comment, if the Regional Director finally concludes that the rule is consistent with the criteria specified in paragraph (c) of this section, the Secretary will publish in the **Federal Register** the final rule.

[FR Doc. 89-19786 Filed 8-18-89; 9:40 am]
BILLING CODE 3510-22-M