

should reduce the regulatory fees for certain television stations operating in large markets, but which are part of that market only because the residents in the station's service area primarily view the market's principle city's stations. These stations are generally UHF stations, they lack network affiliations, and are located outside of the principle city's metropolitan area and do not provide a Grade B signal to a substantial portion of the market's metropolitan areas. Often these stations are not carried by cable systems serving the principal metropolitan areas. These stations will be assessed a fee based on the number of television households served, and will be charged the same fee as stations serving markets with the same number of television households. For example, stations that do not serve the principal metropolitan areas within their assigned markets and serve fewer than 242,000 television households will be assessed the same regulatory fee as stations not located in the top-100 markets. We will entertain requests for reductions in the regulatory fee assessments from those licensees that have filed timely petitions for waiver or reduction of the regulatory fee.

16. COMSAT General Corporation (COMSAT) petitioned the Commission to either reduce or waive the regulatory fee for FY 1994 for its D-2 satellite. COMSAT deorbited its D-2 satellite on December 16, 1993, and *inter alia*, it urges the Commission to reduce proportionally the regulatory fee to reflect the limited period in which it was in operation. Fees are assessed on an annual basis and the Commission, will not issue pro rata refunds. COMSAT's request for a proportional reduction of the regulatory fee is denied. However, COMSAT's request for a waiver of the fee, as well as other requests for waivers discussed here, will be considered by the Office of Managing Director pursuant to its delegated authority to rule upon requests to waive, reduce or defer regulatory fees. 47 CFR 1.1166(a).

Ordering Clauses

17 Accordingly, it is ordered that the Petitions for Reconsideration identified in Appendix are granted to the extent indicated in the full text and in all other respects are denied.

18. It is further ordered that the rule changes as specified above and below are adopted.

19. It is further ordered that the rule changes made herein will become effective 60 days after publication in the **Federal Register**. This action is taken pursuant to Section 4(i), 4(j), 9 and 303(r) of the Communications Act, as

amended, 47 U.S.C. 154(i), 154(j), 159 and 303(r).

Federal Communications Commission.

William F. Caton,

Acting Secretary.

List of Subjects in 47 CFR Part 1

Administrative practice and procedure.

Appendix

Petitions for Reconsideration were filed by:

Dennis C. Brown & Robert H. Schwaninger

Cellular Telecommunications Industry Association

Fant Broadcasting Company

Fireweed Communications

National Association of Broadcasters

NYNEX Corporation

Southwestern Bell Telephone Company

Sprint Corporation

Withers Broadcasting Company of Texas

Rule Change

Part 1 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 1—PRACTICE AND PROCEDURE

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

Authority: 47 U.S.C. 151, 154, 303, and 309(j) unless otherwise noted.

2. Section 1.1162 is amended by revising paragraph (c) to read as follows:

§ 1.1162 General exemptions from regulatory fees.

* * * * *

(c) Applicants and permittees who qualify as nonprofit entities. For purposes of this exemption, a nonprofit entity is defined as: an organization duly qualified as a nonprofit, tax exempt entity under section 501 of the Internal Revenue Code, 26 U.S.C. 501; or an entity with current certification as a nonprofit corporation or other nonprofit entity by state or other governmental authority.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 675 and 677

[Docket No. 950414105-5166-02; I.D. 033095A]

RIN 0648-AH69

Groundfish of the Bering Sea and Aleutian Islands Area; Chum Salmon Savings Area

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

ACTION: Final rule.

SUMMARY: NMFS is implementing Amendment 35 to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI). This amendment prohibits the use of trawl gear in a specified area of the Bering Sea during the pollock non-roe season. Regulatory amendments also are implemented that would increase 1995 observer coverage for mothership processor vessels and for some shoreside processors receiving pollock harvested in the catcher vessel operational area (CVOA), and would require the mothership processor vessels and shoreside processors to obtain the capability for electronic transmission of daily observer reports. This action is necessary to reduce chum salmon bycatch amounts in the pollock fishery and is intended to promote the objectives of the FMP.

EFFECTIVE DATE: August 1, 1995.

ADDRESSES: Copies of Amendment 35 and the environmental assessment/regulatory impact review/final regulatory flexibility analysis (RIR/FRFA) prepared for Amendment 35 are available from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510; telephone: 907-271-2809.

FOR FURTHER INFORMATION CONTACT: Kaja Brix, 907-586-7228.

SUPPLEMENTARY INFORMATION: Fishing for groundfish by U.S. vessels in the exclusive economic zone of the BSAI is managed by NMFS according to the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area. The FMP was prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (Magnuson Act), and is implemented by regulations governing the U.S. groundfish fisheries