

reply comments, you must file an original plus nine copies. Comments are due on March 18, 1996, and reply comments are due on April 17, 1996. You should send comments and reply comments to Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W. Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, Room 239, Federal Communications Commission, 1919 M Street N.W., Washington D.C. 20554.

#### V. Ordering Clauses

76. It is ordered that, pursuant to Sections 1, 4(i), 201-205, 214-215, 220, 623, and 632 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 201-205, 214-215, 220, 543 and 552, NOTICE IS HEREBY GIVEN of proposed amendments to Part 76, in accordance with the proposals, discussions, and statement of issues in this *Notice of Proposed Rulemaking*, and that COMMENT IS SOUGHT regarding such proposals, discussion, and statement of issues.

77. It is further ordered that the Secretary shall send a copy of this NPRM, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. §§ 601 *et seq.* (1981).

78. It is further ordered that the Petition for Rulemaking filed by the Media Access Project, *et al.*, to the extent it concerns making cable home wiring rules the same as those governing telephone inside wiring, is hereby granted.

List of Subjects in 47 CFR Part 76

Cable television.

Federal Communications Commission.  
William F. Caton,  
*Acting Secretary.*

[FR Doc. 96-2169 Filed 1-31-96; 8:45 am]

BILLING CODE 6712-01-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 285

[I.D. 112995B]

#### Negotiated Rulemaking Advisory Committee on Tuna Management in the Mid-Atlantic

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

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of intent; request for comments.

**SUMMARY:** Commerce is considering establishing a new advisory committee under the Federal Advisory Committee Act (FACA). The committee's purpose would be to negotiate issues leading to a proposed rulemaking that will resolve the gear conflict between recreational and commercial fishermen competing for tuna off the Mid-Atlantic coast. The committee would consist of representatives of parties with a definable stake in the outcome of the proposed rule.

**DATES:** Comments must be submitted on or before March 4, 1996.

**ADDRESSES:** Comments should be submitted to the Highly Migratory Species Division, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Mark Murray-Brown, 301-713-2347.

#### I. Introduction

In accordance with the Presidential directive of March 4, 1995, the report of the National Performance Review, entitled "Creating a Government that Works Better and Costs Less", and Executive Order 12866 to utilize Negotiated Rulemaking (NRM), the Secretary of Commerce (Secretary) pledged to utilize the technique of NRM, where appropriate. In March 1995, NOAA suggested, and Commerce accepted, the National Fishing Association's petition as the basis for such a procedure.

The project's stated purpose is to resolve the gear conflict between the recreational and commercial fishermen competing for access to tuna fishery areas off the Mid-Atlantic coast. The project will bring together a balanced mix of parties and interests to negotiate at the pre-proposal stage. The goal of the negotiation is to reach consensus on proposals and/or language that will be the basis of the rule. Negotiations will be conducted through an advisory committee chartered under FACA. All procedural requirements of the Administrative Procedure Act and other applicable statutes continue to apply.

A senior official selected by NMFS will act as the designated Federal officer on behalf of NMFS. Individuals representing definable interests in the fishing industry, environmental community, academia, governmental and quasi-governmental entities will negotiate on behalf of their constituencies. A neutral mediator will

keep the process moving smoothly and assist in resolving disputes.

NMFS is optimistic that this process can produce better regulations, use all parties' time and resources more wisely, and reduce litigation and uncertainty.

#### II. Procedures and Guidelines

##### A. Procedures for Establishing an Advisory Committee

NMFS has prepared a charter and has initiated the requisite consultation process. Only upon the successful completion of this process and the receipt of the approved charter will Commerce form the committee and commence negotiations.

##### B. Participants

The negotiating group should not exceed 21 participants. Participants must be willing to negotiate in good faith and be authorized to do so. One purpose of this notice is to help determine whether the rule that NMFS is developing would substantially affect interests not adequately represented by the proposed participants (listed later in this notice). NMFS does not believe that each potentially affected organization or individual must necessarily have its own representative, but each interest must be adequately represented. The intent is to have a group that as a whole reflects a proper balance and mix of interests.

The National Marine Fisheries Service will provide the necessary administrative support, including technical assistance, for the proposed committee.

##### C. Requests for Representation

If, in response to this notice, an additional individual or representative of an interest requests membership or representation in the negotiating group, NMFS, in consultation with the facilitator, will determine whether that individual or representative should be added to the group. The Secretary will make the final decision based on whether the individual or interest would be substantially affected by the rule or whether the individual is already adequately represented in the negotiating group.

##### D. Tentative Schedule

NMFS plans to hold the first meeting of the advisory committee in March 1996, with three additional meetings to follow, scheduled at 2-week intervals or until consensus is reached on a proposed rule, whichever occurs first. Another committee meeting may be necessary after publication of the proposed rule if the comments received reflect that substantial controversy

exists regarding the proposed rule. In the event that the committee is unable to reach consensus, NMFS will proceed to develop its own proposal with the insight gained through the negotiation process.

#### *E. Potential Interests and Participants*

NMFS has tentatively identified the following list of possible interests and parties:

##### 4Recreational Fishery Interests

American Sportfishing Association  
 Billfish Foundation  
 Coastal Conservation Association  
 Confederation of Associations of  
 Atlantic Charterboat Captains  
 Delaware Captain's Association  
 Jersey Coast Anglers' Association  
 Maryland Saltwater Sportfishermen's  
 Association, Inc.  
 Mystic Marlin and Tuna Club  
 National Coalition for Marine  
 Conservation  
 National Fishing Association  
 New York Sportfishing Federation  
 Ocean City Marlin & Tuna Club  
 Oregon Inlet Fishing Center  
 Rhode Island Marine Trade  
 Association  
 Thousand Fathom Club of South  
 Jersey  
 United Boatmen of New York and  
 New Jersey

##### Commercial Fishery Interests

Blue Water Fishermen's Association  
 East Coast Fisheries Federation  
 East Coast Tuna Association  
 General Category Tuna Association  
 National Fishing Institute  
 Purse Seiner Owners and Operators

##### Shore-side Industry Interests

A&J  
 American Sportfishing Association  
 Associated Fisheries of Maine  
 Etheridge  
 Great Circle  
 National Marine Manufacturers'  
 Association  
 Reel Seat Tackle  
 Seafarers International Union  
 Other dealers, processors, harvesters

##### Representatives with Special Experience in Fishery Issues

Economist  
 Fishery Biologist  
 Gear and Technical Specialist  
 Social Scientist

##### Representatives of the Environmental Community

Center for Marine Conservation  
 National Audubon Society  
 Ocean Wildlife Campaign  
 World Wildlife Fund

##### Representatives of Government or Quasi-government

Atlantic States Marine Fisheries  
 Commission  
 Caribbean Fishery Management  
 Council

Commerce's Marine Fisheries  
 Advisory Committee

Mid-Atlantic Fishery Management  
 Council

New England Fishery Management  
 Council

South Atlantic Fishery Management  
 Council

U.S. International Commission for the  
 Conservation of Atlantic Tunas  
 Advisory Committee

Comments and suggestions on this tentative pool of representatives are invited. The listing of a potential group does not necessarily mean that the group has been chosen or has agreed to participate. NMFS will use this pool to develop a list of participants for the Advisory Committee. Those who feel that their interests are not adequately represented by the forementioned list may apply to be included or nominate another organization or individual to represent their interests. The application should include:

1. The name of the applicant or nominee and a description of the interest such person shall represent;
2. Evidence that the applicant or nominee is authorized to represent parties related to the interest the person proposes to represent;
3. A written commitment that the applicant or nominee shall actively participate in good faith in the development of the rule under consideration; and
4. The reasons that the organizations specified in this notice do not adequately represent the interests of the person submitting the application or nomination.

Authority: 16 U.S.C. 971 *et seq.*

Dated: January 25, 1996.

Gary Matlock,

*Program Management Officer, National  
 Marine Fisheries Service.*

[FR Doc. 96-1944 Filed 1-31-96; 8:45 am]

BILLING CODE 3510-22-F