

minimum number of hopping channels. For frequency hopping systems employing channel bandwidths of 250 kHz or greater, we propose to reduce the minimum number of hopping channels to 25. Consistent with this plan, we are also proposing to modify the maximum average time of occupancy on any hopping frequency to 0.4 seconds in any 10 second period to correspond to the reduction in the number of hopping channels. Comments are also requested as to whether the rules should specify a formula for the minimum number of hopping channels based on the amount by which the bandwidth of the hopping channel exceeds 250 kHz.

7. Further, in order to reduce the potential for interference due to the smaller number of hopping channels, we propose to require that frequency hopping spread spectrum systems in the 915 MHz band that use fewer than 50 hopping channels operate with a maximum peak transmitter output power of 500 mW.

8. We are also denying the Petition for Rule Making from Symbol to reduce the minimum number of hopping channels for frequency hopping spread spectrum systems operating in the 2450 MHz or 5800 MHz bands.

9. There are also several additional regulations concerning Part 15 spread spectrum transmission systems that need to be clarified, codified or amended. They are Spectral power density, Short duration transmissions, Measurement of processing gain, Limits on unwanted emissions, Frequency hopping coordination, External radio frequency power amplifiers, Transition provisions, Definition of direct sequence and Pseudorandom sequence and frequency hopping systems. These are discussed in more detail in the full text of the Commission's *NPRM*, ET Docket 96-8.

Initial Regulatory Flexibility Analysis

1. *Reason for Action:* This rule making proceeding is initiated to obtain comment regarding proposed changes to the regulations for non-licensed spread spectrum transmitters.

2. *Objectives:* The Commission seeks to determine if the standards should be amended as sought in Petitions for Rule Making filed by WMC, Symbol and SpectraLink. Additional amendments are also proposed to clarify the existing regulations and to codify existing policies into the rules.

3. *Legal Basis:* The proposed action is authorized under Sections 4(i), 301, 302, 303(e), 303(f), 303(r), 304 and 307 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 301, 302, 303(e), 303(f), 303(r), 304 and 307.

4. *Reporting, Recordkeeping and Other Compliance Requirements:* Part 15 spread spectrum transmitters are already required to be authorized under the Commission's certification procedure as a prerequisite to marketing and importation. The changes proposed in this proceeding would not change any of the current reporting or recordkeeping requirements. Further, the proposed regulations add permissible methods of operation and would not require the modification of any existing products.

5. *Federal Rules Which Overlap, Duplicate or Conflict With These Rules:* None.

6. *Description, Potential Impact and Number of Small Entities Involved:* The actions proposed in this proceeding add permissible methods of operation and will not require the modification of any existing products. Accordingly, there should be no mandatory impact on any small entities.

7. *Any Significant Alternatives Minimizing the Impact on Small Entities Consistent with Stated Objectives:* None.

List of Subjects

47 CFR Part 2

Communications equipment, Radio.

47 CFR Part 15

Communications equipment, Radio.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96-8386 Filed 4-4-96; 8:45 am]

BILLING CODE 6712-01-P

47 CFR Parts 36 and 69

[CC Docket No. 96-45; DA-96-483]

Federal-State Joint Board on Universal Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule: extension of time.

SUMMARY: On April 1, 1996, the Federal Communications Commission ("Commission") released an Order ("Order") extending the deadline for filing comments to its Notice of Proposed Rulemaking and Order Establishing Joint Board, released March 8, 1996 (CC Docket No. 96-45). Previously, comments were due April 8, 1996 and reply comments were due May 3, 1996. The Order extends the comment deadline to April 12, 1996 and extends the reply comment deadline to May 7, 1996. This extension will allow

interested parties additional time to file comments and reply comments.

DATES: Comments are due on or before April 12, 1996. Reply comments are due on or before May 7, 1996.

ADDRESSES: Comments should be addressed to Office of the Secretary, Federal Communications Commission, 1919 M Street, NW, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Deborah A. Dupont, Senior Attorney, 202 418-0850, Accounting and Audits Division, Common Carrier Bureau.

SUPPLEMENTARY INFORMATION: On March 8, 1996, the Federal Communications Commission released a Notice of Proposed Rulemaking and Order Establishing Joint Board ("NPRM"), 61 FR 10,499. The Commission sought comment on all matters discussed in that NPRM. The deadline for comments was April 8, 1996 and the deadline for reply comments was May 3, 1996. On April 1, 1996, the Commission released an Order that denied the joint request of the following groups for a thirty-day extension of both the comment deadline and the reply comment deadline: the Consumer Federation of America; Alliance for Community Media; American Library Association; Benton Foundation; Center for Media Information; Consortium for School Networking; National Education Association; National School Boards Association; People for the American Way Action Fund; United Church of Christ, Office of Communications; and United States Catholic Conference. However, the Order extends the comment period until April 12, 1996 and the reply comment period until May 7, 1996 for all interested parties.

Federal Communications Commission.

Kenneth P. Moran,

Chief, Accounting and Audits Division, Common Carrier Bureau.

[FR Doc. 96-8536 Filed 4-2-96; 4:21 pm]

BILLING CODE 6712-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1002

[STB Ex Parte No. 542]

Regulations Governing Fees for Services Performed In Connection With Licensing and Related Services—1996 Update

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Surface Transportation Board (Board) is proposing to adopt its 1996 User Fee Update and to revise its fee schedule at this time to recover the costs associated with providing services to the public.

DATES: Comments are due on May 6, 1996.

ADDRESSES: Send comments (an original and 10 copies referring to STB Ex Parte No. 5427) to: Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue NW., Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Kathleen M. King, (202) 927-5249 or David T. Groves, (202) 927-6395. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: The Board's regulations in 49 CFR 1002.3 require the Board to update its user fee schedule annually.¹ In this proceeding, the Board proposes to revise its fee schedule based on the cost study formula set forth at 49 CFR 1002.3(d). The Board also proposes to modify selected fees to reflect new cost study data. In addition, new fees are proposed for services and activities that have not previously been included in the Board's user fee schedule.

In the current fee schedule, the fees for a number of Board proceedings have been set at less than fully distributed cost. The Board is proposing to adopt the policy of setting all of its user fees at a level that will recover the Board's full cost of providing the involved services. Accordingly, the Board proposes to establish the fees for such proceedings as major and significant rail mergers, rail finance proceedings, formal complaints, and petitions for declaratory order at the fully distributed cost level.

In this proceeding, the Board also is proposing to update these regulations to reflect the recent enactment of the ICC Termination Act of 1995.

The Board concludes that the fee changes proposed here will not have a significant economic impact on a substantial number of small entities because the Board's regulations in 49 CFR 1002.2(e) provide for waiver of

filing fees for those entities which can make the required showing of financial hardship.

Additional information is contained in the Commission's decision. To obtain a copy of the full decision, write, call, or pick up in person from DC News & Data, Inc., Room 2229, 1201 Constitution Avenue NW., Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

List of Subjects in 49 CFR Part 1002

Administrative practice and procedure, Common carriers, Freedom of information, User fees.

Decided: March 26, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,
Secretary.

For the reasons set forth in the preamble, title 49, chapter X, part 1002, of the Code of Federal Regulations is proposed to be amended as follows:

PART 1002—FEES

1. The authority citation for part 1002 is proposed to be revised to read as follows:

Authority: 5 U.S.C. 552(a)(4)(A), and 553; 31 U.S.C. 9701 and 49 U.S.C. 721.

2. Section 1002.1 is proposed to be amended by revising paragraphs (b), (e)(1) and the chart in paragraph (f)(6) to read as follows:

§ 1002.1 Fees for records search, review, copying, certification, and related services.

* * * * *

(b) Service involved in examination of tariffs or schedules for preparation of certified copies of tariffs or schedules or extracts therefrom at the rate of \$24.00 per hour.

* * * * *

(e) * * *

(1) A fee of \$42.00 per hour for professional staff time will be charged when it is required to fulfill a request for ADP data.

* * * * *

(f) * * *

(6) * * *

Grade	Rate
GS-1	\$7.13
GS-2	7.76
GS-3	8.75
GS-4	9.82
GS-5	10.99
GS-6	12.25
GS-7	13.61
GS-8	15.07
GS-9	16.65
GS-10	18.33
GS-11	20.14
GS-12	24.14
GS-13	28.71
GS-14	33.93
GS-15 and over	39.91

* * * * *

3. Section 1002.2 is proposed to be amended by revising paragraphs (d), and (f), and the heading of paragraph (e) to read as follows:

§ 1002.2 Filing fees.

* * * * *

(d) *Related or consolidated proceedings.* (1) Separate fees need not be paid for related applications filed by the same applicant which would be the subject of one proceeding.

(2) A separate fee will be assessed for the filing of an application for temporary authority to operate a motor carrier of passengers as provided in paragraph (f)(5) of this section regardless of whether such application is related to a corresponding transfer proceeding as provided for in paragraph (f)(2) of this section.

(3) The Board may reject concurrently filed applications, petitions, notices, contracts summaries, or other documents asserted to be related and refund the filing fee if, in its judgment, they embrace two or more severable matters which should be the subject of separate proceedings.

(e) *Waiver or reduction of filing fees.*

* * * * *

(f) *Schedule of filing fees.*

Type of Proceeding	Fee
Part I: Non-rail applications or proceedings to enter upon a particular financial transaction or joint arrangement:	
(1) An application for the pooling or division of traffic	\$2,400.
(2) An application involving the purchase, lease, consolidation, merger, or acquisition of control of a motor carrier of passengers under 49 U.S.C. 14303.	\$1,100.
(3) An application for approval of a non-rail rate association agreement. 49 U.S.C. 13706	\$15,400.

¹ Effective January 1, 1996, the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 abolished the Interstate Commerce Commission and established the Board within the Department of Transportation. The Act provides that with certain exceptions, all regulations previously issued by the

Commission shall continue in effect according to their terms until modified or terminated. Accordingly, all of the Commission's regulations, including those related to user fees in 49 CFR Part 1002 were transferred to the Board in *Transfer of Regulations from the Interstate Commerce*

Commission to the Surface Transportation Board Pursuant to the ICC Termination Act of 1995, STB Ex Parte No. 525 61 FR 1842 (1-24-96).

Type of Proceeding	Fee
(4) An application for approval of an amendment to a non-rail rate association agreement:	
(i) Significant amendment	\$2,500.
(ii) Minor amendment	\$50.
(5) An application for temporary authority to operate a motor carrier of passengers 49 U.S.C. 14303(i)	\$250.
(6)–(10) [Reserved]	
Part II: Rail licensing proceedings other than abandonment or discontinuance proceedings:	
(11) (i) An application for a certificate authorizing the construction, extension, acquisition, or operation of lines of railroad. 49 U.S.C. 10901.	\$4,000.
(ii) Notice of exemption under 49 CFR 1150.31–1150.35	\$1,000.
(iii) Petition for exemption under 49 U.S.C. 10502 (except petitions involving construction of a rail line)	\$7,000.
(12) A petition for exemption under 49 U.S.C. 10502 involving the construction of a rail line	\$41,700.
(13) A Feeder Line Development Program application filed under 49 U.S.C. 10907(b)(1)(A)(i) or 10907(b)(1)(A)(ii)	\$12,800.
(14) (i) An application of a class II or class III carrier to acquire an extended or additional rail line under 49 U.S.C. 10902.	\$3,400.
(ii) Petition for exemption under 49 U.S.C. 10502 relating to an exemption from the provisions of 49 U.S.C. 10902	\$3,700.
(15) A notice of a modified certificate of public convenience and necessity under 49 CFR 1150.21–1150.24	\$950.
(16)–(20) [Reserved]	
Part III: Rail abandonment or discontinuance of transportation services proceedings:	
(21) (i) An application for authority to abandon all or a portion of a line of railroad or discontinue operation thereof filed by a railroad (except applications filed by Consolidated Rail Corporation pursuant to the North East Rail Service Act [Subtitle E of Title XI of Pub. L. 97–35], bankrupt railroads, or exempt abandonments.	\$12,400.
(ii) Notice of an exempt abandonment or discontinuance under 49 CFR 1152.50	\$2,000.
(iii) A petition for exemption under 49 U.S.C. 10502	\$3,500.
(22) An application for authority to abandon all or a portion of a line of a railroad or operation thereof filed by Consolidated Rail Corporation pursuant to North East Rail Service Act.	\$250.
(23) Abandonments filed by bankrupt railroads	\$1,000.
(24) A request for waiver of filing requirements for abandonment application proceedings	\$1,000.
(25) An offer of financial assistance (OFA) under 49 U.S.C. 10904 relating to the purchase of or subsidy for a rail line proposed for abandonment.	\$900.
(26) A request to set terms and conditions for the sale of or subsidy for a rail line proposed to be abandoned	\$12,700.
(27) A request for a trail use condition in an abandonment proceeding under 16 U.S.C. 1247(d)	\$650.
(28)–(35) [Reserved]	
Part IV: Rail applications to enter upon a particular financial transaction or joint arrangement:	
(36) An application for use of terminal facilities or other applications under 49 U.S.C. 11102	\$10,600.
(37) An application for the pooling or division of traffic. 49 U.S.C. 11322	\$5,700.
(38) An application for two or more carriers to consolidate or merge their properties or franchises (or a part thereof) into one corporation for ownership, management, and operation of the properties previously in separate ownership. 49 U.S.C. 11324:	
(i) Major transaction	\$830,500.
(ii) Significant transaction	\$166,100.
(iii) Minor transaction	\$3,400.
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d)	\$950.
(v) Responsive application	\$3,400.
(vi) Petition for exemption under 49 U.S.C. 10502	\$5,200.
(39) An application of a non-carrier to acquire control of two or more carriers through ownership of stock or otherwise. 49 U.S.C. 11324:	
(i) Major transaction	\$830,500.
(ii) Significant transaction	\$166,100.
(iii) Minor transaction	\$3,400.
(iv) A notice of an exempt transaction under 49 CFR 1180.2(d)	\$750.
(v) Responsive application	\$3,400.
(vi) Petition for exemption under 49 U.S.C. 10502	\$5,200.
(40) An application to acquire trackage rights over, joint ownership in, or joint use of any railroad lines owned and operated by any other carrier and terminals incidental thereto. 49 U.S.C. 11324:	
(i) Major transaction	\$830,500.
(ii) Significant transaction	\$166,100.
(iii) Minor transaction	\$3,400.
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d)	\$650.
(v) Responsive application	\$3,400.
(vi) Petition for exemption under 49 U.S.C. 10502	\$5,200.
(41) An application of a carrier or carriers to purchase, lease, or contract to operate the properties of another, or to acquire control of another by purchase of stock or otherwise. 49 U.S.C. 11324:	
(i) Major transaction	\$830,500.
(ii) Significant transaction	\$166,100.
(iii) Minor transaction	\$3,400.
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d)	\$800.
(v) Responsive application	\$3,400.
(vi) Petition for exemption under 49 U.S.C. 10502	\$3,700.
(42) Notice of a joint project involving relocation of a rail line under 49 CFR 1180.2(d)(5)	\$1,300.
(43) An application for approval of a rail rate association agreement. 49 U.S.C. 10706	\$39,000.
(44) An application for approval of an amendment to a rail rate association agreement. 49 U.S.C. 10706:	
(i) Significant amendment	\$7,200.
(ii) Minor amendment	\$50.
(45) An application for authority to hold a position as officer or director under 49 U.S.C. 11328	\$400.

Type of Proceeding	Fee
(46) A petition for exemption under 49 U.S.C. 10502 (other than a rulemaking) filed by rail carrier not otherwise covered.	\$4,400.
(47) National Railroad Passenger Corporation (Amtrak) conveyance proceeding under 45 U.S.C. 562	\$84,200.
(48) National Railroad Passenger Corporation (Amtrak) compensation proceeding under Section 402(a) of the Rail Passenger Service Act.	\$102,100.
(49)–(55) [Reserved]	
Part V: Formal proceedings:	
(56) A formal complaint alleging unlawful rates or practices of rail carriers, motor carriers of passengers or motor carriers of household goods:	
(i) A formal complaint filed under the coal rate guidelines (Stand-Alone Cost Methodology) alleging unlawful rates and/or practices of rail carriers under 49 U.S.C. 10704(c)(1).	\$233,200.
(ii) All other formal complaints	\$23,100
(57) A complaint seeking or a petition requesting institution of an investigation seeking the prescription or division of joint rates, or charges. 49 U.S.C. 10705.	\$4,900.
(58) A petition for declaratory order:	
(i) A petition for declaratory order involving a dispute over an existing rate or practice which is comparable to a complaint proceeding.	\$5,000.
(ii) All other petitions for declaratory order	\$3,700.
(59) An application for shipper antitrust immunity. 49 U.S.C. 10706(a)(5)(A)	\$3,900.
(60) Labor arbitration proceedings	\$7,600.
(61) Appeals to a Surface Transportation Board decision and petitions to revoke an exemption pursuant to 49 U.S.C. 10502(d).	\$3,700.
(62) Motor carrier undercharge proceedings	\$5,800.
(63)–(75) [Reserved]	
Part VI: Informal proceedings:	
(76) An application for authority to establish released value rates or ratings for motor carriers and freight forwarders of household goods under 49 U.S.C. 14706.	\$650.
(77) An application for special permission for short notice or the waiver of other tariff publishing requirements	\$70.
(78) (i) The filing of tariffs, including supplements, or contract summaries	\$1 per page (\$13 minimum charge.)
(ii) Tariffs transmitted by fax	\$1 per page.
(79) Special docket applications from rail and water carriers:	
(i) Applications involving \$25,000 or less	\$40.
(ii) Applications involving over \$25,000	\$80.
(80) Informal complaint about rail rate applications	\$300.
(81) Tariff reconciliation petitions from motor common carriers:	
(i) Petitions involving \$25,000 or less	\$40.
(ii) Petitions involving over \$25,000	\$80.
(82) Request for a determination of the applicability or reasonableness of motor carrier rates under 49 U.S.C. 13710(a) (2) and (3).	\$100.
(83) Filing of documents for recordation. 49 U.S.C. 11301 and 49 CFR 1177.3(c)	\$22 per document.
(84) Informal opinions about rate applications (all modes)	\$100.
(85) A railroad accounting interpretation	\$600.
(86) An operational interpretation	\$800.
(87)–(95) [Reserved]	
Part VII: Services:	
(96) Messenger delivery of decision to a railroad carrier's Washington, DC, agent	\$17 per delivery.
(97) Request for service or pleading list for proceedings	\$13 per list.
(98) (i) Processing the paperwork related to a request for the Carload Waybill Sample to be used in a Surface Transportation Board or State proceeding that does not require a Federal Register notice.	\$150.
(ii) Processing the paperwork related to a request for Carload Waybill Sample to be used for reasons other than a Surface Transportation Board or State proceeding that requires a Federal Register notice.	\$350.
(99) (i) Application fee for the Surface Transportation Board's Practitioners' Exam	\$100.
(ii) Practitioners' Exam Information Package	\$25.
(100) Uniform Railroad Costing System (URCS) software and information:	
(i) Initial PC version URCS Phase III software program and manual	\$50.
(ii) Updated URCS PC version Phase III cost file, if computer disk provided by requestor	\$10.
(iii) Updated URCS PC version Phase III cost file, if computer disk provided by the Board	\$20.
(iv) Public requests for <i>Source Codes</i> to the PC version URCS Phase III	\$500.
(v) PC version or mainframe version URCS Phase II	\$400.
(vi) PC version or mainframe version Updated Phase II databases	\$50.
(vii) Public requests for <i>Source Codes</i> to PC version URCS Phase II	\$1,500.
(101) Carload Waybill Sample data on recordable compact disk (R-CD):	
(i) Requests for Public Use File on R-CD First Year	\$450.
(ii) Requests for Public Use File on R-CD Each Additional Year	\$150.
(iii) Waybill—Surface Transportation Board or State proceedings on R-CD—First Year	\$650.
(iv) Waybill—Surface Transportation Board or State proceedings on R-CD—Second Year on same R-CD	\$450.
(v) Waybill—Surface Transportation Board of State proceeding on R-CD—Second Year on different R-CD	\$500.
(vi) User Guide for latest available Carload Waybill Sample	\$50.

[FR Doc. 96-8293 Filed 4-4-96; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 630

[Docket No. 960314073-6073-01; I.D. 030896E]

RIN 0648-AI23

Atlantic Swordfish Fishery; Quotas, Minimum Size, and Technical Changes

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

ACTION: Proposed rule.

SUMMARY: NMFS proposes to amend the regulations governing the Atlantic swordfish fishery to: Reduce the total allowable catch (TAC) to 2,625 metric tons (mt) dressed weight (dw) via a split season (June 1 - May 31), decrease the minimum size to 73 cm (29 inches) cleithrum to caudal keel measure and eliminate the trip allowance for undersized fish, and make technical changes to ensure consistency of regulations. The intent of this action is to protect the swordfish resource while allowing harvests of swordfish consistent with recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT).

DATES: Comments on the proposed rule must be submitted on or before May 2, 1996.

ADDRESSES: Copies of an Environmental Assessment/Regulatory Impact Review (EA/RIR) supporting this action may be obtained from William Hogarth, Acting Chief, Highly Migratory Species Management Division, Office of Fisheries Conservation and Management, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. Comments regarding the burden-hour estimate or any other aspect of the collection-of-information requirement contained in this rule should be sent to William Hogarth and to the Office of Management and Budget (OMB), (0648-0016), Attention: NOAA Desk Officer, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: William Hogarth, 301-713-2339; fax: 301-713-0596.

SUPPLEMENTARY INFORMATION: The Atlantic swordfish fishery is managed under the Fishery Management Plan for Atlantic Swordfish and its implementing regulations at 50 CFR part

630 under the authority of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) and the Atlantic Tunas Convention Act (ATCA) (16 U.S.C. 971 *et seq.*). Regulations issued under the authority of ATCA carry out the recommendations of ICCAT.

The 1994 ICCAT stock assessment for North Atlantic swordfish indicated the stock is continuing to decline and that large reductions in quotas are required in the immediate future to rebuild the stock to levels that can support the maximum sustainable yield. In 1995, the Standing Committee on Research and Statistics (SCRS) of ICCAT re-ran the stock production model using revised catch data through 1993, and results indicated that the North Atlantic swordfish resource has continued to decline despite reductions in total reported landings from peak values in 1987. Based on the assessment results, ICCAT recommended reduced quotas for the major nations fishing for North Atlantic swordfish, i.e., the United States, Spain, Canada, and Portugal. For 1996, the recommended U.S. quota is 3,500 mt whole weight (ww), or 5.8 million lb dw.

These proposed regulatory changes would improve NMFS' ability to implement the ICCAT recommendations and further the management objectives for the Atlantic swordfish fishery. NMFS has re-evaluated the annual TAC, the seasonal implementation of this TAC, and the need for technical changes to the regulatory text in the Atlantic swordfish fishery in accordance with the procedures and factors specified in 50 CFR 630.24(d), including consideration of the latest stock assessment and recommendations of ICCAT. The proposed regulations are summarized as follows:

1. Total Allowable Catch (TAC)

NMFS proposes to change the definition of the fishing year for purposes of TAC implementation for several reasons. First, establishing that the fishing year begins June 1 would facilitate NMFS' implementation of ICCAT quotas for all future years by allowing additional months following the November ICCAT meeting for the regulatory process (scoping, proposed rule, public hearings, final rule). Second, this approach would ensure that the domestic swordfish fishery would be open during certain critical marketing months, namely early July and the December holiday period. Anecdotal evidence indicates that if the swordfish fishery is subject to a calendar-year quota, closures during December are particularly difficult, not

only due to the inability to supply the holiday market demand for swordfish, but also due to the lack of alternative fisheries (no other tunas, for example). There is a high probability that the large coastal shark fishery would be closed during that end-of-the-year time period as well.

NMFS proposes to decrease the annual TAC by 359 mt to 2,625 mt, which is consistent with the 1994 ICCAT recommendation. All weights are in dressed weight of swordfish, unless indicated otherwise. The TAC would be divided between a directed-fishery quota of 2,371 mt and a bycatch quota of 254 mt. The directed-fishery quota would be divided into two 1,185.5 mt semiannual quotas for each of the 6-month periods, June 1 through November 30, and December 1 through May 31. Each of the 1,185.5 mt semiannual quotas would be further subdivided into a drift gillnet quota of 23.45 mt and a longline and harpoon quota of 1,162.05 mt. This allocation by gear types uses the same percentages that were in effect in 1995.

NMFS estimates that approximately 97.6 mt of swordfish semiannually will be discarded dead, based on the rate used in 1995. Therefore, the semiannual landing quota for the longline and harpoon swordfish fishery would be the semiannual catch quota of 1162.05 mt minus the estimated semiannual dead discards of 97.6 mt, or 1,064.44 mt for each of the two semiannual periods.

Following a closure of the directed longline fishery, any overharvest or underharvest would be added or subtracted, respectively, to the bycatch reserve of 254 mt. The ability to add or subtract underage or overage ensures that the United States would abide by ICCAT quotas.

NMFS has no new information sufficient to justify changes in the existing 10 mt special set-aside quota for harpoon gear.

2. Bridge Period TAC

Because a split season is proposed, a bridge period TAC must be determined for the first 5 months of 1996. NMFS proposes a TAC equal to five twelfths of the 1995 U.S. quota, which is equivalent to 1,149.5 mt (106 mt bycatch, 1021 mt longline, and 22.5 mt drift gillnet).

Quota for this bridge period plus the first semiannual quota result in a January 1-December 1 quota of 2,364.4 mt dw, or approximately 3,144.6 mt round weight, which is 355 mt less than the 3,500 mt calendar-year quota set by ICCAT. Since it is unlikely that December 1996 landings will exceed 355 mt, implementation of the split season with the five twelfths bridge