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 Authors: The primary authors of this rule are Ruth Stanford and Alisa Shull (see ADDRESSES section) and George Drewry, Division of Endangered Species, U.S. Fish and Wildlife Service, 452 ARLSQ, Washington DC 20240.

recordkeeping requirements, Transportation.

Proposed Regulations Promulgation

PART 17—[AMENDED]

Accordingly, the Service hereby proposes to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 continues to read as follows:

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500; unless otherwise noted.

2. Section 17.11(h) is amended by adding the following, in alphabetical order under Crustaceans and Insects, respectively, to the List of Endangered and Threatened Wildlife to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *
 (h) * * *

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
CRUSTACEANS:							
* Amphipod, Peck's cave.	* <i>Stygobromus</i> (= <i>Stygonectes</i>) <i>pecki</i> .	* U.S.A. (TX)	* NA	* E	*	* NA	* NA
INSECTS:							
* Beetle, Comal Springs dryopid.	* <i>Stygoparnus comalensis</i> .	* U.S.A. (TX)	* NA	* E	*	* NA	* NA
* Beetle, Comal Springs riffle.	* <i>Heterelmis comalensis</i> .	* U.S.A. (TX)	* NA	* E	*	* NA	* NA

Dated: May 23, 1995.
Mollie H. Beattie,
 Director, U.S. Fish and Wildlife Service.
 [FR Doc. 95-13457 Filed 6-1-95; 8:45 am]
 BILLING CODE 4310-55-P

DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
50 CFR Part 630

[Docket No. 950522139-5139-01; I.D. 042495B]

RIN 0648-AH75

Atlantic Swordfish Fishery; 1995 Quotas

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to change the total allowable catch (TAC) for the Atlantic swordfish fishery in accordance with the framework procedure of the regulations. This rule proposes a reduction of the directed-fishery TAC to 1,365 metric tons (mt) dressed weight for each of two semiannual periods, each of which would be divided into a drift gillnet quota of 27 mt and a longline and harpoon quota of 1,338 mt. The amount of the semi-annual longline and harpoon quota allowed to be landed would be 1,225 mt—the semi-annual quota amount less 113 mt, the estimated weight of undersized swordfish that

would be discarded dead semi-annually. The intent of this action is to protect the swordfish resource while allowing harvests of swordfish consistent with the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). NMFS is also soliciting comment on alternative management strategies for extending the fishing season.

DATES: Comments on this proposed rule must be received on or before July 17, 1995.

ADDRESSES: Copies of documents supporting this action may be obtained from and comments on the proposed rule should be sent to Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Richard B. Stone, 301-713-2347.

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.*) (Magnuson Act) 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.

NMFS has reevaluated the annual TAC, the annual directed-fishery quota, the annual bycatch quota, bycatch limits in the non directed fishery, and the harpoon gear set-aside quotas 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. ICCAT's Standing Committee on Research and Statistics conducted a stock assessment of North Atlantic swordfish in November, 1994. The assessment report indicates the North Atlantic swordfish stock is overfished, stock biomass continues to decline, and a large reduction in yields is necessary in the immediate future if the stock is to be rebuilt to the level that supports maximum sustainable yield.

Based on the assessment findings, ICCAT adopted recommendations that include country-specific quotas that will reduce catch levels for the major harvesting nations. The recommended 1995 quota for the United States is 3,970 mt whole weight (2,984 mt dressed weight). Estimates of swordfish discarded dead are now included in the total catch quota.

In accordance with a review of the factors specified in 50 CFR 630.24(d), NMFS proposes for 1995 a decrease in TAC of 449 mt to 2,984 mt. All weights in this proposed rule are in dressed weight of swordfish unless indicated otherwise. The proposed TAC would be divided between a directed-fishery quota of 2,730 mt and a bycatch quota of 254 mt. These quotas in 1994 were 3,175 mt and 254 mt, respectively.

The directed-fishery quota would be divided into two 1,365 mt semiannual quotas for each of the 6-month periods, January 1 through June 30, and July 1 through December 31. Each of the 1,365 mt semiannual quotas would be further subdivided into a drift gillnet quota of 27 mt and a longline and harpoon quota of 1,338 mt. This allocation by gear types employs the same percentages in effect in 1994.

NMFS estimates that approximately 113 mt of swordfish semi-annually will be discarded dead, based on estimates from 1992 and 1993, recent estimated rates of discards, and expected improvement by the fleet in avoiding small fish. Therefore, the semi-annual landing quota for the longline and harpoon swordfish fishery would be the semi-annual catch quota of 1,338 mt minus the estimated semi-annual dead discards of 113 mt, or 1,225 mt for each of the two semiannual periods.

NMFS has no new information sufficient to justify changes in the bycatch quota of 254 mt or the existing 10 mt special set-aside quota for harpoon gear. Likewise, there were no new data, or new data have not been thoroughly analyzed that would warrant revision to the existing bycatch limits of 5 swordfish per trip in the squid trawl fishery and 2 swordfish per trip for all other bycatch fisheries.

This rule would revise the address of NMFS Southeast Regional Director, which has changed.

Segments of the industry have expressed concern that it may become necessary for NMFS to close some or all segments of the fishery prior to the end of the year, causing economic disruption in the industry. Therefore, NMFS is soliciting comments on alternative management methods that could extend the fishing season, should it appear that the second semiannual quota would be exceeded prior to year-end. A variety of management methods are available to prevent premature closures, so NMFS is requesting comments on the following:

(1) A set-aside of 227 mt in the second semiannual period reserved for the longline fleet. When the quota, less 227 mt, is reached, the fishery would be closed. On November 15, the longline

set-aside season would open until NMFS determines that the set-aside quota is reached;

(2) A seasonal closure of the directed fishery, such as the month of August or September, during which the possession limit would be set between 10 to 15 swordfish, rather than the 2 fish possession limit imposed after attainment of the quota in the longline fishery;

(3) Closures by area or region and by week or month to avoid catch of small fish in both the directed and incidental fisheries of each gear type;

(4) A catch limit for each vessel, by gear type, for each trip in the directed longline and drift gill net fisheries.

The set-aside option is currently being considered by NMFS for implementation by the final rule, but upon consideration of the written and public hearing comments, another option may be implemented.

NMFS is also requesting comment on the closure process for the Atlantic swordfish fishery, particularly the lengths of time between notification, end of fishing, returning to port, and unloading the catch.

Classification

This proposed rule is published under the authority of the ACTA. Preliminarily, the Assistant Administrator for Fisheries, NOAA, has determined that the regulations contained in this proposed rule are necessary to implement the recommendations of ICCAT and are necessary for management of the Atlantic swordfish fishery. 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 proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The 1995 TAC represents about a 13-percent reduction from the TAC of the previous 2 years. However, the TAC has not been fully utilized in the past 3 years. The overall impact in a fully utilized fishery would affect about 200 fishermen and potentially reduce their income by about 13 percent, provided there is no change in international market conditions. Under the TAC, the allowable catch is slightly higher than last year's catch; as a result, a regulatory flexibility analysis was not prepared.

This action is exempt from review under E.O. 12866.

List of Subjects in 50 CFR Part 630

Fisheries, Fishing, Reporting and recordkeeping requirements

Dated: May 30, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 630 is proposed to be amended as follows:

PART 630—ATLANTIC SWORDFISH FISHERY

1. The authority citation for part 630 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.* and 16 U.S.C. 971 *et seq.*

2. In § 630.2, “Regional Director” is revised to read as follows:

§ 630.2 Definitions.

* * * * *

Regional Director means the Director, Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702-2432.

* * * * *

3. In § 630.24, paragraph (b)(1) is revised to read as follows:

§ 630.24 Quotas.

* * * * *

(b) * * *

(1) The annual quota for the directed fishery for swordfish is 2,730 mt, dressed weight, divided into two semiannual quotas as follows:

(i) For the semiannual period January 1 through June 30—

(A) 27 mt dressed weight, that may be harvested by drift gillnet; and

(B) 1,338 mt, dressed weight, that may be harvested by longline and harpoon. To account for harvested fish that are discarded dead, only 1,225 mt may be landed in this category.

(ii) For the semiannual period July 1 through December 31—

(A) 27 mt, dressed weight, that may be harvested by drift gillnet; and

(B) 1,338 mt, dressed weight, that may be harvested by longline and harpoon. To account for harvested fish that are discarded dead, only 1,225 mt may be landed in this category.

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