

1991, the Service removed *Macroptilium supinum* (= *Phaseolus supinus*) (supine bean) from Category 1. The present biological status of the species is unclear since new populations were discovered in Mexico in 1990. Additional information on abundance and distribution are needed to justify a proposal for listing.

*Malpighia infestissima* (stingingbush) is endemic to Buck Island and St. Croix, U.S. Virgin Islands. It was removed from Category 1 because its distribution and abundance are poorly known. On St. Croix, it is reported to be widespread and scattered. Other than general threats from residential, tourism, and industrial development, no direct threats to this species are known. The general lack of information on biological distribution and abundance, coupled with limited knowledge of threats, justifies removal from Category 1.

*Peperomia megalopoda* is a small herb endemic to Puerto Rico. The species was originally collected in 1929 and has not been observed since. Efforts to relocate the species at the type locality in 1991 were unsuccessful. It was removed from Category 1 because its continued existence is in doubt.

*Psychilis kranzlinii* (= *Encyclia kranzlinii*) is an orchid endemic to Puerto Rico. It is rare but found in a variety of habitats. The extent of its distribution and abundance is poorly known and currently available information on its status does not support a listing proposal.

The Tarahumara leopard frog (*Rana tarahumarae*) is known from 53 localities in southern Arizona as well as Sonora, Chihuahua, and Sinoloa, Mexico. Although extirpated from the five historic localities in Arizona, populations elsewhere appear to be thriving and healthy based on surveys conducted in the mid-1980's. Several members of the Tarahumara Frog Oversight Group concurred with the removal of this species from Category 1.

The Suisan ornate shrew (*Sorex ornatus sinuosus*) and the salt marsh wandering shrew (*Sorex vagrans halicoetes*) were historically found along streams, in grasslands and marshy areas of San Francisco Bay, California. Currently these species are more restricted to marshy areas of the Bay. Habitat for these shrews is strongly overlapped with that of two other listed species, the salt marsh harvest mouse (*Reithrodontomys raviventris*) and the California clapper rail (*Railus longirostris obsoletus*). Threats to the shrews will be alleviated by implementation of recovery plans for the salt marsh harvest mouse and the California clapper rail. The alleviation

of threats to habitat supports removal of these subspecies from Category 1.

Review of file information on *Tillandsia baileyi* (Bailey's ballmoss) indicates that the placement of this species in Category 1 in 1990 was in error. Data to support inclusion in Category 1 are not on file. Although population estimates are not available, the species is estimated to occur in over 50,000 acres in south Texas, where its continued existence is believed secure.

The Service removed Doyen's Trigonoscute dune weevil (*Trigonoscute* sp.) from Category 1 primarily due to concerns about the taxonomy of this species. The taxonomy of the genus is unresolved and Doyen's dune weevil has not been formally described. The specific taxonomy is based solely on a single-page letter written by E.L. Sleeper. The last revisions to this genus described many species and subspecies based on conclusions that the Service questions.

The New Mexican jumping mouse (*Zapus hudsonius luteus*) occurs locally in the San Juan, Jemez, and Sacramento mountains and in the central-northern and central Rio Grande Valley. This species is already listed as a group 2 endangered species by the State of New Mexico, which means that permits are required for collecting the species. Populations were originally impacted by destruction of wetlands. However, the species has been recently found to occupy man-made habitats adjacent to irrigation drains and canals, thus alleviating the threat of habitat destruction. Dr. Joan Morrison, University of Florida, has raised concerns that the classification to Category 1 was premature. Subsequent review of the record supports her position and the species is now removed from Category 1.

#### Author

The primary author of this notice is Dr. Richard E. Sayers, Jr., Division of Endangered Species, U.S. Fish and Wildlife Service, 1849 C Street, N.W., Mailstop ARLSQ-452, Washington, D.C. 20240 (phone 703/358-2105; facsimile 703/358-1735).

**Authority:** The authority for this notice is the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 *et seq.*

Dated: June 27, 1995.

#### John G. Rogers

Acting Director, Fish and Wildlife Service.  
[FR Doc. 95-16264 Filed 6-28-95; 1:20 pm]  
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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 630

[I.D. 061695B]

#### Atlantic Swordfish Fisheries; Hearing Date Change

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

**ACTION:** Date change for public hearing.

**SUMMARY:** NMFS previously announced public hearings (60 FR 32484, June 22, 1995) to receive comments from fishery participants and other members of the public regarding proposed changes to the regulations and the Atlantic swordfish fishery. NMFS announces a change of meeting date for a previously announced swordfish public hearing.

**DATES:** The public hearing originally announced for June 30, 1995, in Manteo, N.C., has been changed to July 5, 1995.

**ADDRESSES:** Written comments should be sent to Richard B. Stone, Chief, Highly Migratory Species Management Division, Office of Fisheries Conservation and Management (F/CM), National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. Clearly mark the outside of the envelope "Atlantic Swordfish Comments." The public hearing will be held at the following location:

#### Manteo, NC

Wednesday, July 5, 1995, 6-9 p.m.

North Carolina State Aquarium  
Airport Road  
Manteo, NC 27954

**FOR FURTHER INFORMATION CONTACT:** Ronald G. Rinaldo, 301-713-2347 or fax, 301-713-0596.

**SUPPLEMENTARY INFORMATION:** This hearing is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Richard B. Stone (see ADDRESSES) by June 30, 1995.

Dated: June 26, 1995.

#### Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.  
[FR Doc. 95-16132 Filed 6-27-95; 4:19 pm]  
BILLING CODE 3510-22-F

**50 CFR Part 677**

[Docket No. 950615155-5155-01; I.D. 060695A]

RIN 0648-A101

**North Pacific Fisheries Research Plan;  
Crab Vessel Fee Exemption**

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes to exempt certain crab catcher vessels from the 1995 fee-collection program authorized pursuant to the North Pacific Fisheries Research Plan (Research Plan). This exemption would respond to a request from the State of Alaska to conform the Research Plan to a recent change in its crab observer coverage requirements for catcher vessels participating in the Dutch Harbor and Adak area king crab fisheries, and would avoid a "double payment" by the affected vessels of both Research Plan fees and costs of the State required direct observer coverage. This proposed rule is consistent with the intent of the final rule implementing the Research Plan and is intended to facilitate Federal/State cooperative implementation of the crab and groundfish observer programs during the first year of the fee-collection program authorized under the Research Plan.

**DATES:** Comments on this proposed rule must be received by July 12, 1995.

**ADDRESSES:** Comments on this proposed rule may be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, 709 West 9th Street, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802-1668; Attn: Lori J. Gravel.

Copies of the Research Plan and the Environmental Assessment/Regulatory Impact Review prepared for the Research Plan may be obtained from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510.

**FOR FURTHER INFORMATION CONTACT:** Susan Salvesson, 907-586-7228.

**SUPPLEMENTARY INFORMATION:**

**Background**

Regulations implementing the Research Plan became effective October 6, 1994 (59 FR 46126, September 6, 1994). A regulatory amendment was published in the **Federal Register** on January 9, 1995 (60 FR 2344), which clarified 1995 observer coverage

requirements and revised the definition of certain terms set out under § 677.2. The purpose for, and description of, the Research Plan are contained in the preamble to the final rule (59 FR 46126, September 6, 1994).

The Research Plan provides for the coordination of the crab observer program administered by the Alaska Department of Fish and Game (ADF&G) and the groundfish observer program administered by NMFS. Regulations implementing the Research Plan set out 1995 observer coverage requirements for the crab and groundfish fisheries (§ 677.10(a)).

The costs of implementing the Research Plan are financed by a fee assessment of either 2 percent of the exvessel value of all Research Plan fisheries or the actual costs of implementing the Research Plan, whichever is less (§ 677.11). Although the fee liability for a given amount of retained catch is divided equally between the processor and harvesting vessel, processors are responsible for collecting all fee assessments and for paying them bimonthly (§ 677.6(b)).

Regulations at § 677.6(b)(1) provide exemptions from fee assessments during 1995 for groundfish catcher vessels equal to or greater than 60 ft (18.3 m) length overall (LOA) and crab catcher vessels required to carry observers while participating in specified crab fisheries. This exemption is accomplished by reducing the processor's fee assessment for these vessels to one-half of the fee percentage established pursuant to § 677.11. These two sectors of the Research Plan fisheries were exempted, because they currently pay costs for observer coverage that are equal to or greater than amounts they would contribute under the 1995 Research Plan fee assessment program.

The 1995 observer coverage requirements for the king and Tanner crab fisheries of the Bering Sea and Aleutian Islands area are set out under § 677.10(a)(3). These requirements are intended to reflect existing ADF&G observer coverage requirements and to apply to all crab processor vessels and catcher vessels participating in specified crab fisheries.

In recent years, the number of processor vessels participating in the Adak and Dutch Harbor king crab fisheries has declined. At this time, the majority of the participating fleet is made up of catcher vessels, which currently are not required to carry observers. This has resulted in a loss of information necessary to manage the Adak and Dutch Harbor king crab stocks for sustained yield.

At its March 1995 meeting, the Alaska Board of Fisheries (Board) determined that additional observer coverage is needed for the catcher vessel fleet participating in these king crab fisheries. In addition to concerns about the reduced amount of observer data collected from the Dutch Harbor and Adak king crab fisheries, ADF&G staff also provided information that indicates that red king crab stocks in the Adak area are severely depressed and that the Adak fishery should not be opened unless adequate monitoring of the resource is provided through increased observer coverage on the catcher vessel fleet.

NMFS does not conduct crab surveys in the Adak and Dutch Harbor areas. Furthermore, crab resource assessments of these vast areas would be cost-prohibitive. The Board determined that observer coverage on all catcher vessels in the Adak and Dutch Harbor king crab fisheries, beginning with the September 1, 1995, opening of the brown king crab fishery, is the only means available to collect information sufficient to manage these stocks and allow a fishery. The Board requested the North Pacific Fishery Management Council (Council) to take action to incorporate this additional coverage under the Research Plan and exempt these vessels from 1995 Research Plan fee assessments to avoid a "double payment" of both Research Plan fees and the costs of State required direct observer coverage.

At its April 1995 meeting, the Council considered the Board's request, as well as testimony from ADF&G staff and persons representing the crab industry. The Council concurred with the Board's recommended action and requested NMFS to initiate rulemaking to revise 1995 crab observer coverage requirements set out under regulations implementing the Research Plan. The Council also requested NMFS to extend current provisions for exemption from the 1995 Research Plan fees (§ 677.6(b)(1)(iii)(B)) to include the above described fee exemptions for crab catcher vessels participating in the Adak and Dutch Harbor king crab fisheries.

Table 1 lists the number of vessels participating in the Dutch Harbor and Adak crab fisheries, the value of these fisheries and associated costs of increased observer coverage. The catcher vessels' portion of the 1995 fee based on value of retained catch would be 1 percent of the standard exvessel prices published in the final 1995 Research Plan specifications (59 FR 61556, December 1, 1994) multiplied by projected catch, or \$220,000. The projected observer coverage cost for these catcher vessels is almost 300

percent of the anticipated fee amount, or \$669,750.

TABLE 1.—TOTAL CATCH, STANDARD PRICE, VALUE, FEE

[1 percent of the value, observer days and cost for catcher vessels and catcher processor vessels participating in the Dutch Harbor and Adak king crab fisheries. Catcher vessel observer costs are based on an assumed cost per observer day equal to \$235]

	Dutch Harbor brown king crab	Adak brown king crab	Adak red king crab
Total catch (lbs) .....	1,500,000	5,000,000	500,000
Standard price .....	\$3/lb	\$3/lb	\$5/lb
Value .....	\$4,500,000	\$15,000,000	\$2,500,000
1% of value .....	\$45,000	\$150,000	\$25,000
No. processor vessels .....	0	3	3
No. catcher vessels (CVs) .....	15	25	15
CV observer days .....	900	1,500	450
CV observer cost .....	\$211,500	\$352,500	\$105,750

Table 1 indicates that, if all of the catch in the Dutch Harbor and Adak king crab fisheries were taken by crab catcher vessels, exempting these vessels from the 1995 fee-collection program pursuant to the request of the Board would reduce fee collections by \$220,000. In reality, catcher vessels would not take all of the catch, so the actual reduction in fees would be somewhat less than this value.

If the average catch per vessel is the same for catcher vessels and catcher processors, and if the projected numbers of catcher vessels and catcher processors are used to estimate the percent of catch that will be taken by catcher vessels, the catcher vessels would take about 91 percent of the catch, the fee exemption for these vessels would result in a \$200,000 reduction in total fee liabilities, and the cost to catcher vessels for observer coverage as a percent of their standard exvessel value would be about 3.3 percent with the fee exemption or about 4.3 percent without the exemption. NMFS does not anticipate that a \$200,000 reduction in 1995 fee liabilities would have a significant impact on the collection of sufficient funds necessary for full implementation of the Research Plan in the future.

**Classification**

The Assistant General Counsel 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 proposed rule would result in reduced costs to the 15 crab catcher vessels participating in the Adak and Dutch Harbor king crab fisheries. The reduced fee liability is expected to total

about \$200,000. As a result, a regulatory flexibility analysis was not prepared.

If this proposed action is adopted, it should be done as soon as possible, so that clear instructions may be sent out to the crab industry, which reflect the amended 1995 fee collection program authorized under the Research Plan. Delay in implementing the proposed fee exemption would result in payment of 1995 Research Plan fees, in addition to payment for observer coverage, by a sector of the crab catcher vessel fleet. Total costs could exceed 4 percent of the exvessel value of landed catch. This situation would constitute a "double payment" for observer services and is counter to the Council's intent for the 1995 fee collection program. NMFS is allowing an opportunity for public comment for a 15-day period to expedite final action, should NMFS approve it.

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

**List of Subjects in 50 CFR Part 677**

Fisheries, Reporting and recordkeeping requirements.

Dated: June 26, 1995.

**Gary Matlock,**

*Program Management Officer, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 677 is proposed to be amended as follows:

**PART 677—NORTH PACIFIC FISHERIES RESEARCH PLAN**

1. The authority citation for part 677 continues to read as follows:

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

2. In § 677.6, paragraph (b)(1)(iii)(A) is revised to read as follows:

**§ 677.6 Research Plan fee.**

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(iii) \* \* \*

(A) The round weight or round-weight equivalent of retained catch of red king crab or brown king crab harvested from ADF&G's Adak management area defined at 5 AAC 34.700, brown king crab harvested from ADF&G's Dutch Harbor management area defined at 5 AAC 34.600, *Chionoecetes tanneri* Tanner crab, *C. angulatus* Tanner crab, and *Lithodes cousei* king crab determined by the best available information received by the Regional Director since the last bimonthly billing period, multiplied by the standard exvessel price established pursuant to § 677.11 for the calendar year, multiplied by one-half the fee percentage established pursuant to § 677.11 for the calendar year; plus

\* \* \* \* \*

3. In § 677.10, paragraph (a)(3) is revised to read as follows:

**§ 677.10 General requirements.**

(a) \* \* \*

(3) *Requirements for vessel operators of Bering Sea and Aleutian Islands area king and Tanner crab.* An operator of a vessel that harvests or processes king or Tanner crab must have one or more State of Alaska-certified observers on board the vessel whenever king or Tanner crab are received, processed, or onboard the vessel in the Bering Sea and Aleutian Islands area if the operator is required to do so by Alaska State regulations at 5 AAC 34.035, 34.082, 35.082, or 39.645.

\* \* \* \* \*

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