(xii) Maintain a continuous watch on 2182 kHz and 156.8 MHz, in accordance with § 80.305(b), when navigated.

* * * * *

3. Section 80.933 is amended by revising the section heading and paragraph (b), redesignating paragraph (c) as paragraph (e), and adding new paragraphs (c) and (d) to read as follows:

§ 80.933 General small passenger vessel exemptions.

* * * * *

(b) All U.S. passenger vessels of less than 100 gross tons, not subject to the radio provisions of the Safety Convention, are exempt from the radiotelegraph provisions of Part II of Title III of the Communications Act, provided that the vessels are equipped with a radiotelephone installation fully complying with subpart S of this part.

(c) Prior to February 1, 1999, U.S. passenger vessels of less than 100 gross tons are exempt from the radiotelepraph requirements of Part II of Title III of the Communications Act and the MF radiotelephone requirements of this subpart as well as Regulations 7 to 11 of Chapter IV of the Safety Convention if the following criteria are fully met:

(1) The ship is equipped with a VHF radiotelephone installation meeting the requirements of this subpart;

(2) While navigating more than three nautical miles from the nearest land, the ship is equipped with:

(i) A Category 1, 406 MHz EPIRB meeting the requirements of § 80.1061;

(ii) A NAVTEX receiver meeting the requirements of § 80.1101(c)(1); and

(iii) Three two-way VHF radiotelephone apparatus and two radar transponders meeting the requirements of § 80.1095.

(3) The ship remains within communications range of U.S. Coast Guard or public coast stations operating in the band 156–162 MHz;

(4) The routes of the voyage are never more than 20 nautical miles from the nearest land or, alternatively, not more than 200 nautical miles between two consecutive ports, and are limited to the following domestic and international voyages:

(i) In waters contiguous to Hawaii, the Bahama Islands and the islands in the Caribbean Sea, including the Greater Antilles, Lesser Antilles, and the coastal waters of Venezuela between the Mouth of the Orinoco River and the Gulf of Venezuela;

(ii) In waters contiguous to the coast of Southern California from Point Conception south to Cape San Lucas, Mexico; the islands of San Miguel, Santa Rosa, Santa Cruz, Anacopa, San Nicolas, Santa Barbara, Santa Catalina, and San Clemente are considered to be within these waters; and,

(iii) In waters of the Pacific Northwest between Tacoma, Washington and the waters of British Columbia, Canada, as far north as Queen Charlotte Strait, never in the open sea.

(d) Prior to February 1, 1999, U.S. passenger vessels of less than 100 gross tons are exempt from the radiotelegraph requirements of Part II of Title III of the Communications Act, as well as Regulations 7 to 11 of Chapter IV of the Safety Convention, if the following criteria are fully met:

(1) The ship is equipped in accordance with paragraphs (c)(1) and (c)(2) of this section;

(2) The ship is equipped with a MF radiotelephone installation meeting the requirements of this subpart;

(3) The routes of the voyage are never more than 20 nautical miles from the nearest land or, alternatively, not more than 100 nautical miles between two consecutive ports, and are limited to international voyages between Florida and the Bahama Islands.

* * * * *

4. Section 80.1065 is amended by revising paragraph (b)(5)(iii) to read as follows:

§ 80.1065 Applicability.

* * * * *

(b) * * *

(5) * * *

(iii) The requirements of either § 80.836 or § 8.933.

* * * * *

[FR Doc. 95–28826 Filed 11–24–95; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 630

[I.D. 111495D]

Atlantic Swordfish Fishery; Bycatch Limit Adjustment

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

ACTION: Inseason action.

SUMMARY: This inseason action adjusts the longline bycatch limit for Atlantic swordfish. Aboard a vessel using or having aboard a longline and not having aboard harpoon gear, no more than six swordfish per trip as bycatch may be possessed in the North Atlantic Ocean to avoid exceeding the total allowable catch and reducing the potential for discard waste.

EFFECTIVE DATE: 0001 hours, local time, December 5, 1995, through 2400 hours, local time, December 31, 1995.

FOR FURTHER INFORMATION CONTACT: Ronald G. Rinaldo, 301-713- 2347.

SUPPLEMENTARY INFORMATION: The Atlantic swordfish fishery is managed under the authority of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) and the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*).

The implementing regulations at 50 CFR 630.25(c)(2)(ii) establish a bycatch of 15 swordfish that may be harvested by longline vessels during the non-directed fishery and provide that the Assistant Administrator for Fisheries, NOAA may modify the bycatch limits based upon the length of the directed fishery closure as well as the estimated catch per vessel in the non-directed fishery.

Considering reported landings to date, projections of total catch based on recent landings data and estimates of bycatch during the directed fishery closure since October 31, 1995, it has been determined that with a 15–fish bycatch limit, the bycatch quota for 1995 will be reached before December 31, 1995. Under 50 CFR 630.25(a)(2), NMFS is required to close the longline bycatch fishery for swordfish when its quota is reached, or is projected to be reached, by filing a document at the Office of the Federal Register at least 14 days before the closure is to become effective. Given the prolonged closure in the directed longline fishery for Atlantic swordfish, a closure of the bycatch fishery would require that all swordfish taken by longliners be discarded.

To avoid a bycatch closure and reduce potential discard waste, the longline fishery bycatch for Atlantic swordfish is reduced to six fish per trip. By reducing the longline bycatch limit to six fish for the month of December, it is projected that it is less likely that the 1995 bycatch quota will be exceeded.

During the bycatch fishery, aboard a vessel using or having aboard a longline and not having aboard harpoon gear, a person may not fish for swordfish from the North Atlantic swordfish stock and no more than six swordfish per trip as bycatch may be possessed in the North Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea, north of 5° N. lat., or landed in an Atlantic, Gulf of Mexico, or Caribbean coastal state. This bycatch limit adjustment is effective from 0001 hours December 5, 1995, through 2400 hours December 31, 1995.

The directed fishery closure remains in effect through December 31, 1995.

Classification

This action is required by 50 CFR 630.25(a) and is exempt from review under E.O. 12866.

Dated: November 20, 1995.

Richard H. Schaefer,

Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 95–28875 Filed 11–21–95; 4:45 pm]

BILLING CODE 3510–22–F

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50 CFR Part 697

[Docket No. 950605148–5261–02; I.D. 060195C]

RIN 0648–AH58

Atlantic Coast Weakfish Fishery; Moratorium in Exclusive Economic Zone (EEZ)

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule prohibiting the possession in or harvest from the exclusive economic zone (EEZ) of Atlantic coast weakfish (weakfish) from Maine through Florida. The intent of the rule is to provide protection for the overfished stock of weakfish, to ensure the effectiveness of state regulations, and to aid in the rebuilding of the stock.

EFFECTIVE DATE: December 21, 1995.

ADDRESSES: The Final Environmental Impact Statement/Regulatory Impact Review prepared for this rule is available from William Hogarth, 301–713–2339 or NMFS, F/CM3, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: William Hogarth, 301–713–2339.

SUPPLEMENTARY INFORMATION:

Background

The background and rationale for this rule were contained in the preamble to the proposed rule (60 FR 32130, June 20, 1995) and are not repeated here.

Comments and Responses

NMFS held 9 public hearing to gather public comments on the proposed rule and the Draft Environmental Impact Statement and Draft Regulatory Impact Review (DEIS/RIR) documents. The hearings were held on the following dates at the below listed localities:

Morehead City, North Carolina 7/10/95
Fall River, Massachusetts 7/10/95
Manteo, North Carolina 7/12/95
Setauket, New York 7/12/95
Salisbury, Maryland 7/12/95
Cape May Court House, New Jersey 7/12/95
Mayport, Florida 7/13/95
Newport News, Virginia 7/17/95
Dover, Delaware 7/18/95

A total of 226 individuals attended the hearings. Most of the individuals commenting at the hearings from Massachusetts through New Jersey were in favor of the rule. Some of the individuals at the Setauket, New York hearing wanted a 16–inch size limit. One person at the Cape May, New Jersey hearing opposed the rule as proposed. Commenters at the Salisbury, Maryland hearing were in favor of some Federal action, but not necessarily the preferred alternative. At the Newport News, Virginia hearing, a number of individuals were for or against the rule. In North Carolina, there was strong opposition against the rule at the Manteo hearing, and an equal number of comments for and against the rule at the Morehead City hearing. At the Florida hearing, most individuals commented on a recent ban on commercial net fishing imposed by the state.

Written comments were received from the following states and organizations: The Atlantic States Marine Fisheries Commission (Commission); New England, Mid-Atlantic and South Atlantic Regional Fishery Management Councils; U.S. Fish and Wildlife Service; U.S. Environmental Protection Agency (EPA); Delaware Division of Fish and Wildlife; New York State Department of Environmental Conservation Division of Marine Resources; Commonwealth of Massachusetts Division of Marine Fisheries; North Carolina Division of Marine Fisheries; Georgia Department of Natural Resources; North Carolina Fisheries Association, Inc.; Center for Marine Conservation; Salt Water Sportsman; Chesapeake Bay Foundation; Shelter Rock Rifle and Pistol Club; Atlantic Coast Conservation Association of Virginia; National Audubon Society Living Oceans Program; American Sportfishing Association; Maryland Saltwater Sportfishermen's Association, Inc.; Huntington Anglers Club; Virginia Citizens Coalition-Good Government; Imperial Sportsmen's Club, Inc.; Bay Shore Tuna Club; Oakdale Sportsmans Club; Virginia Anglers Club; Suffolk County Senior Citizens Fishing Club; East Islip Anglers and Boating Association, Inc.; and the New York Sportfishing Federation. Of the states and organizations that submitted written comments, all support the proposal except the State of North Carolina and the North Carolina Fisheries Association. The Georgia Department of Natural Resources and the U.S. EPA both supported the proposal and recommended changes and/or clarifications that are addressed in this document.

In addition, written comments were received from 645 individuals from Virginia; 16 from North Carolina; 56 from Maryland; 8 from Delaware; 6 from Pennsylvania; 5 from New York; 5 from New Jersey; and one each from West Virginia, the District of Columbia, South Carolina, Indiana and Michigan for a total of 746 individuals of which 740 supported and 6 opposed the proposed rule.

In summarizing comments, it was difficult to differentiate between comments addressing the proposed rule, the DEIS/RIR, or both. Therefore, comments and responses on the two documents are listed together. A more detailed description of comments and NMFS responses is included in the Final Environmental Impact Statement and Regulatory Impact Review (FEIS/RIR) published by EPA in the Federal Register on October 6, 1995.

1. *Comment*: NMFS should be commended for taking actions to protect the declining weakfish fishery. The preferred alternative, to prohibit the harvest and possession of weakfish in the EEZ, seems appropriate since it is easy to understand and enforce. Why was the exemption for the possession of weakfish in the Block Island Sound area included? The FEIS/RIR should include an explanation for the Block Island exemption.

Response: The exemption in the DEIS/RIR was to allow fishermen from Block Island, Rhode Island, to transport weakfish through the EEZ to land at ports in Rhode Island. Currently, there are few weakfish landings from the Block Island Sound area, and comments received from the States of Massachusetts and Rhode Island agreed with your comment that the exemption should not be implemented. NMFS concurs and the exemption is deleted in the FEIS/RIR.

2. *Comment*: Several commenters called into question the findings on the status of the weakfish stock, contending that the DEIS/RIR used inaccurate assumptions, and/or did not include 1994 data.

Response: The 1994 data were not available when the DEIS/RIR was drafted. NMFS extended the comment period and during the extension worked