

amendments to the regional channel exclusivity scheme established in the *PCP Exclusivity Order* will facilitate the development of seamless, wide-area 900 MHz paging systems. Otherwise, the Commission affirms the rules as adopted in the *PCP Exclusivity Order*.

#### V. Procedural Information

##### Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 1980, the Commission's final analysis is as follows:

##### A. Need for and Purpose of This Action

This *Memorandum Opinion and Order* makes amendments to Part 90 of the Commission's rules relating to channel exclusivity for qualified local, regional, and nationwide private paging systems on certain channels at 929–930 MHz. The amendments will promote the efficient use of paging channels by encouraging investment in new paging technology. They also will foster the development of more efficient paging systems on a local, regional, and nationwide basis.

##### B. Summary of Issues Raised by Public Comments in Response to the Initial Regulatory Flexibility Analysis

Only one party, Radiofone, filed comments responding to the Initial Regulatory Flexibility Analysis (IRFA). Radiofone argued that the Commission has not adequately addressed the impact of the proposal on small paging systems and that exclusive licensing will preclude small business entry at 900 MHz. The Commission reviewed Radiofone's concerns in the context of *PCP Exclusivity Order*. No additional comments have been submitted.

##### C. Significant Alternatives Considered and Rejected

As the Commission determined in the *PCP Exclusivity Order* and affirms in this *Memorandum Opinion and Order*, this action is fully consistent with the Commission's small business policy objectives. The Commission noted in the IRFA that this action imposes certain conditions on the licensing of smaller 929–930 MHz paging systems, but these requirements are not unduly burdensome. The new rules contain significant benefits for small businesses by protecting dozens of small existing systems in place, allowing many such systems to obtain exclusivity, and creating opportunities for expansion and new entry by small business licensees.

##### Ordering Clauses

It is ordered that pursuant to the authority of Sections 4(i), 303(g) 303(r),

and 332(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(g), 303(r) and 332(a), 47 CFR Part 90, is amended as set forth below, effective April 4, 1996.

It is further ordered that the petitions for reconsideration filed by National Association of Business and Educational Radio/ Association for Private Carrier Paging Section, First National Paging Company, Inc., Afro-American Paging, American Mobilephone, Inc., Paging Network, Inc., MAP Mobile Communications, Inc. and Metrocall, Inc. are granted to the extent described above and are denied in all other respects.

It is further ordered that the waiver requests filed by American Mobilephone, Inc., Arch Communications Group, Inc., Comtech, Inc., First National Paging Company, Inc., Message Center Beepers, Inc., Metrocall, Inc. and PacTel Paging (now "Airtouch Paging") are granted to the extent described above.

It is further ordered that, pursuant to the authority of Section 0.331 of the Communications Act of 1934, as amended, we delegate to the Wireless Telecommunications Bureau the authority to address any request for waiver of our exclusivity rules, which shall be evaluated based on criteria set forth above.

It is further ordered that this proceeding is terminated.

##### List of Subjects in 47 CFR Part 90

Common carriers.

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

##### Rule Amendments

Part 90 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

#### **PART 90—PRIVATE LAND MOBILE RADIO SERVICES**

1. The authority citation for Part 90 continues to read as follows:

Authority: Sections 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, and 332, unless otherwise noted.

2. Section 90.494 is amended by revising paragraph (g) to read as follows:

#### **§ 90.494 One-way paging operations in the 929–930 MHz band.**

\* \* \* \* \*

(g) Stations operating as part of regional or local systems under § 90.495(a)(1) or (a)(2) may also operate sites within their existing service area at a maximum effective radiated power of 3500 watts, provided that such an

increase in power does not expand the licensee's service-area contour, and the requirements of § 90.495(b)(2) are met as to any co-channel system that has preexisting exclusivity rights.

[FR Doc. 96–4723 Filed 3–4–96; 8:45 am]

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#### **DEPARTMENT OF COMMERCE**

#### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 380**

[Docket No. 950707173–6036–02; I.D. 012296E]

RIN 0648–AF51

#### **Antarctic Marine Living Resources Convention Act of 1984; Conservation and Management Measures**

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

**ACTION:** Final rule.

**SUMMARY:** The Secretary of Commerce (Secretary) amends the regulations governing harvesting and reporting of Antarctic living marine resource catches by vessels of, and persons subject to the jurisdiction of, the United States. The regulations implement conservation and management measures implemented by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR or Commission) and accepted in whole by the Government of the United States to regulate catches in Convention for the Conservation of Antarctic Marine Living Resources (Convention) statistical reporting areas 48 and 58. These measures restrict the use of gear, restrict the directed taking and bycatch of certain species of fish, prohibit the taking of other species, and require real-time and other reporting of the harvest of certain species.

**EFFECTIVE DATE:** February 29, 1996.

**ADDRESSES:** A copy of the framework environmental assessment may be obtained from the Assistant Administrator for Fisheries, NOAA, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

Comments regarding burden estimates or collection of information aspects of this rule should be sent to Robin Tuttle, (See **ADDRESSES**), and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C. 20503, Attention: NOAA Desk Officer.

**FOR FURTHER INFORMATION CONTACT:**  
Robin Tuttle, NMFS International  
Organizations and Agreements Division,  
301-713-2282.

**SUPPLEMENTARY INFORMATION:**

**Background**

At its annual meeting in Hobart, Tasmania, in 1986, CCAMLR, of which the United States is a member, adopted a conservation measure requiring the Commission at subsequent meetings to adopt limitations on catch, or to implement equivalent measures, which would be binding for species upon which fisheries are permitted in Convention subarea 48.3 (South Georgia), depicted at (Figure 1 to part 380). The Commission has, also, adopted measures that apply to other Convention subareas.

The measures adopted at the 1995 meeting of the Commission address the 1995-96 and 1996-97 fishing seasons. The measures are based upon the advice of the Scientific Committee and take into account research conducted by Commission members and the reports and recommendations of the Scientific Committee's working groups. The 1995-96 fishing season is defined as the period from November 4, 1995, to the end of the Commission meeting in 1996 (November 1, 1996). The 1996-97 fishing season is defined as the period from the end of the Commission meeting in 1996 (November 1, 1996) to the end of the Commission meeting in 1997 (likely October 31, 1997). The 1997-98 fishing season is not defined, but will likely run for the period from October 31, 1997 to the end of the Commission meeting in 1998. There are shorter fishing periods defined for specific fisheries.

**Comments and Responses**

The measures were announced and public comments invited (until January 9, 1996) by a Federal Register notice on December 12, 1995 (60 FR 63752). Comments supporting the measures were received from the Pacific Seabird Group (PSG) and H.T. Harvey & Associates (Harvey).

PSG suggested that longline gear be modified to release hooks and longlines underwater. Department of State (DOS) noted that the United States tabled a paper at the 1995 CCAMLR meeting on the potential for longline systems which release baited line underwater. The paper was strongly supported and CCAMLR requested that Members using such systems report to the Scientific Committee on their effectiveness in eliminating seabird bycatch.

PSG recommended that CCAMLR study whether the number of seabirds

attracted to longline sets would decrease if the dumping of offal were reduced. DOS noted that CCAMLR has prohibited the discharge of offal during setting or hauling on the side of the vessel on which longlines are set or hauled.

PSG also suggested that CCAMLR study measures to decrease the effects of longlines on nocturnal foragers, like petrels, that become entangled and die when nets are set at night. DOS reported that CCAMLR has recognized the urgent need for research into ways of reducing the bycatch of white-chinned petrels, especially at night, and has called for further work on relationships between hook size and the bycatch of petrels.

PSG urged that longline fishery measures be enforced, and their effects monitored and made public. DOS noted that in the *Dissostichus eleginoides* (Patagonian toothfish) fishery in subarea 48.3, the primary fishery in which seabird mortality has been a problem, all vessels are required by CCAMLR to have at least one scientific observer, appointed in accordance with the CCAMLR Scheme of International Scientific Observation, aboard throughout all fishing activities within the fishing period.

With respect to the krill fishery, PSG recommended that CCAMLR scientists continue to monitor the fishery to determine whether the current precautionary limit is appropriate. DOS noted that the United States has concerns about the proposed use of a new krill productivity model and will ensure that the lower existing krill catch rate is maintained until the integrity of the newer model can be assured.

Both PSG and Harvey recommended a study of the importance of *Electrona carlsbergi* (lanternfish) to the Scotia Sea ecosystem and foodwebs. DOS indicated that it will forward the suggestion to the interagency group involved in preparations for the 1996 meeting of CCAMLR.

**A. Changes in Taxonomy**

The Commission recognized changes in taxonomy for *Notothenia squamifrons* (grey rockcod), now called *Lepidorhirus squamifrons*, and *Notothenia gibberifrons* (humped rockcod), now called *Gobionotothen gibberifrons*.

**B. Data Reporting Requirements**

The Commission has, at past annual meetings, adopted detailed, fine-scale reporting requirements. These measures continue in force until amended or revoked. The Commission reduced the overall reporting burden for the 1995-96 fishing season.

The Commission reopened the fishery for *Champscephalus gunnari* (mackerel icefish) in statistical area 48.3 and required the use of: (1) CCAMLR Form C1 to report haul-by-haul data finescale catch and effort for trawl fisheries, and (2) CCAMLR Form B2 to report length composition measurements. The forms must be submitted at the end of each month of fishing. This reporting is a lesser level of reporting than in 1993-94, when the fishery was last open and during which fishers were also required to report catch and effort on a 5-day basis.

The Commission modified the data requirements for the exploratory crab fishery in statistical subarea 48.3 by requiring a count of and estimated weight total for *D. eleginoides* and *Notothenia rossii* (marbled rockcod) and estimated total weight of other species taken as bycatch. The regulations impose this additional requirement, but remove past requirements for a Commercial Vessel Daily Activity Logbook; a Commercial Vessel Fishing Effort Logbook; and a Commercial Vessel CCAMLR Subsample Logbook. The data reporting required by the experimental harvest regime (adopted by the Commission in 1993 and included in previous regulations) serves the purpose of those logbook requirements.

The Commission identified the bycatch species (any cephalopod, crustacean or fish species other than *E. carlsbergi*) to which the continuing requirement for monthly biological data reporting for *E. carlsbergi* in statistical subarea 48.3 applies. The regulations note these species.

The Commission required the use of the existing systems of every 10-day catch and effort reporting and monthly effort and biological data reporting to report data from the new fisheries for *D. eleginoides* and *Dissostichus mawsoni* (Antarctic toothfish) in statistical division 58.4.3 and deep-water species in statistical division 58.5.2. However, since these bottom-trawling only fisheries are limited to Australian vessels, the data reporting requirements are not included in the regulations.

The Commission made reporting for *C. gunnari* and *D. eleginoides* in statistical subarea 58.5.2 less burdensome, by reducing the frequency of required catch and effort reporting from every 5 days to every 10 days.

**C. Longline Fishing**

The Commission further defined the actions which fishers must take while longline fishing or conducting longline fishing research in the Convention Area in order to minimize the incidental

mortality of seabirds. The regulations are amended to permit longline fishing consistent with Commission restrictions.

#### D. Finfishing in Subareas 48.1 (South Shetlands Islands)

The Commission continued prohibitions on the taking of all species of finfish, other than for scientific research purposes, in subareas 48.1 and 48.2 from November 6, 1993, until at least such time that a survey of stock biomass is carried out, and a decision that the fishery is to be reopened is made by the Commission based on the advice of the Scientific Committee.

#### E. Finfishing in Subarea 48.3 (South Georgia)

The Commission took action on finfishing in subarea 48.3 for the 1995–96, 1996–97, and 1997–98 fishing seasons, as follows:

The prohibition on directed fishing for *G. gibberifrons*, *Chaenocephalus aceratus* (blackfin icefish), *Pseudochaenichthys georgianus* (South Georgia icefish), *L. squamifrons*, and *Patagonotothen brevicauda guntheri* (Patagonian rockcod) for the 1994–95 and 1995–96 fishing seasons is continued.

In any directed fishery in the subarea, in any fishing season, the bycatch limit for *G. gibberifrons* is 1,470 metric tons (mt); the bycatch limit for *C. aceratus* is 2,200 mt; and the bycatch limit for *P. georgianus*, *N. rossii*, and *L. squamifrons* is 300 mt each, the 1992–93 levels. This measure was previously given seasonal application.

The total allowable catch (TAC) for *E. carlsbergi* is reduced. The TAC for the 1995–96 fishing season is 109,000 mt. In addition, the TAC for *E. carlsbergi* is 14,500 mt in the Shag Rocks region. The directed fishery for *E. carlsbergi* will close if a bycatch limit set for *G. gibberifrons*, *C. aceratus*, *P. georgianus*, *N. rossii*, or *L. squamifrons* is reached for any of these species or if the TAC for *E. carlsbergi* reaches 109,000 mt, whichever comes first.

The directed fishery for *E. carlsbergi* in the Shag Rocks region will close if a bycatch limit for any of the bycatch species is reached, or if the TAC of 14,500 mt is reached, whichever comes first. If, in the course of the directed fishery for *E. carlsbergi*, the bycatch of any one haul of the bycatch species exceeds 5 percent, the fishing vessel must move to another fishing location within the subarea. This location was not defined for the 1994–95 season. For the 1995–96 season, it is defined as a fishing location not closer than 5 nautical miles (9.26 km) distant. The

fishing vessel must not fish for at least 5 days within 5 nautical miles (9.26 km) of the location in which the catch of species, other than the target species, exceeded 5 percent. The relocation distance and the use of a 5-day waiting period were adopted pending the adoption of a more appropriate distance and period.

The TAC of *D. eleginoides* was increased to 4,000 mt for a fishing season defined from March 1, 1996, to August 31, 1996, or until the TAC is reached, whichever comes first. Each vessel participating in the fishery must carry at least one scientific observer, appointed in accordance with the CCAMLR Scheme of International Scientific Observation, aboard throughout all fishing activities within the fishing period. Directed fishing must be by longlines only. Submission of catch and effort data continue to be required on an every-5-day reporting basis. The monthly reporting of representative samples of length composition measurements using forms provided by the Scientific Committee continues to be required during the 1995–96 fishing season. Failure by any Contracting Party, including the United States, to submit length composition data for three consecutive reporting periods will result in the closure of the fishery to the vessels of the Contracting Party.

The fishery for *C. gunnari* was reopened with a TAC of 1,000 mt. The directed fishery for *C. gunnari* will close when the bycatch limit for any designated bycatch species is reached. If, in the course of the directed fishery, the bycatch of any one haul of a designated bycatch species exceeds 5 percent, the fishing vessel must move to another location not closer than 5 nautical miles (9.26 km) distant. For at least 5 days, the fishing vessel must fish within 5 nautical miles (9.26 km) of the location in which the bycatch exceeded 5 percent. Vessels must undertake a scientific survey carried out in accordance with a survey design specified in the CCAMLR Draft Manual for Bottom Trawl Surveys in the Convention Area. Each vessel must have a scientific observer, appointed in accordance with the CCAMLR Scheme of International Scientific Observation, aboard throughout all fishing activities within the fishing season.

#### F. Finfishing in Subarea 48.4 (South Sandwich Islands)

The TAC for *D. eleginoides* in subarea 48.4 is 28 mt for the 1995–96 fishing season beginning March 1, 1996, and ending on the earliest of August 31, 1996; reaching the TAC for *D.*

*eleginoides* in subarea 48.3; or reaching the TAC for *D. eleginoides* in subarea 48.4. Each vessel participating in the fishery must carry at least one scientific observer, appointed in accordance with the CCAMLR Scheme of International Scientific Observation, aboard throughout all fishing activities within the fishing period.

Every 5-day catch and effort data and monthly reporting of representative samples of length composition measurements using forms provided by the Scientific Committee continue to be required.

#### G. Finfishing in Division 58.4.3

Finfishing for *Dissostichus* species in statistical division 58.4.3 for the 1995–96 fishing season is closed to all but Australian vessels.

#### H. Finfishing in Division 58.4.4 (Ob and Lena Banks)

Measures adopted in 1992 setting TACs for the 1993–94 fishing season were continued at the 1994 meeting for the 1994–95 and 1995–96 fishing seasons. The TAC for *L. squamifrons* for the 2-year period is 1,150 mt with 715 mt allocated to Lena Bank and 435 mt allocated to Ob Bank. Each vessel participating in the fishery in 1994–95 and 1995–96 must carry at least one scientific observer, appointed in accordance with the CCAMLR Scheme of International Scientific Observation, aboard throughout all fishing activities within the fishing period.

#### I. Finfishing in Division 58.5.32 (McDonald and Heard Islands)

In 1994, the Commission adopted a measure of continuing application setting precautionary catch limits in division 58.5.2 of 311 mt for *C. gunnari* and 297 mt (by trawling only) for *D. eleginoides*. The monthly effort and biological data reporting requirement established previously for other fisheries continues to apply, but the 5-day reporting of catch and effort has been reduced to 10-day reporting.

Fishing seasons commence in each year at the close of the annual meeting of the Commission and continue until the earlier of June 30 or reaching the precautionary catch limits.

If in the course of a directed fishery for *D. eleginoides* or *C. gunnari*, the bycatch in any haul of the species *L. squamifrons*, *N. rossii*, *Channichthys rhineratus* (unicorn icefish) of *Bathyraja* spp. (Antarctic rays) exceeds 5 percent, the fishing vessel must move to another fishing location not closer than 5 nautical miles (9.26 km) distant. For a period of at least 5 days, the fishing vessel must not fish within 5 nautical

miles (9.26 km) of the location in which the bycatch exceeded 5 percent. The relocation distance and the use of a 5-day waiting period were adopted pending the adoption of a more appropriate distance and period.

In statistical division 58.5.2, fishing for deep-water species other than *D. eleginoides* is closed to all but Australian vessels for the 1995–96 fishing season.

**J. Fishing for Euphausia superba (Antarctic Krill)**

Measures adopted by the Commission at its 1991 and 1992 meetings capping the catch of krill at 1.5 million mt in area 48 in any season continues in force. The cap in subarea 58.4.2 was raised to 450,000 mt during any fishing season.

**K. Fishing for Antarctic Crab**

The Commission continued measures adopted in 1992 limiting the exploratory crab fishery in subarea 48.3 and specifying data requirements through the 1995–96 fishing season. The crab fishery continues to be limited to a TAC of 1,600 mt and to one vessel per Commission Member.

An experimental harvest regime (EHR) adopted in 1993 was extended through the 1997–98 fishing season. Vessels conducting Phase 2 of the EHR are no longer required to fish within squares as defined by specific longitude and latitude. Fishing during Phase 2 requires that vessels fish in 3 squares measuring approximately 26 square nautical miles (48.15 square km) in an area and with overall dimensions of 6° lat by 7.5° long. Vessel captains determine the location of the 3 squares to be fished, but the squares selected must be contiguous and the distance between the boundaries of any 2 squares must be at least 4 nautical miles (7.41 km). This will allow vessels to fish in preferred depth ranges.

The soak time for each string of crab pots is defined as the time between the start of setting and the start of hauling.

**Classification**

NMFS has determined that this rule is necessary to implement the Antarctic Marine Living Resources Convention Act of 1984 (the Act) and to give effect to the management measures adopted by CCAMLR and agreed to by the United States.

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

It is exempt from section 553 of the Administrative Procedure Act, because it involves a foreign affairs function of the United States.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

This rule contains a collection-of-information requirement subject to the Paperwork Reduction Act. The collection of information has been approved by OMB under OMB Control Number 648–0194, which expires August 31, 1997. The annual reporting burden for this collection of information is estimated to average 44½ hours in harvesting and import permit-related activities; 1½ hours in CCAMLR Ecosystem Monitoring Program permit-related activities; ½ hour for finfish reporting in the crab fishery; 6½ hours for crab data reporting; 1 hour of radio contact; and ½ hour for reporting biological data in the finfish and crab fisheries. The response estimates shown include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Robin Tuttle, NMFS, and to the Office of Information and Regulatory Affairs (see ADDRESSES).

**List of Subjects in 50 CFR Part 380**

Administrative practice and procedure, Antarctica, Fish, Imports, Marine resources, Reporting and recordkeeping requirements, Treaties, Wildlife.

Dated: February 23, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 380 is amended as follows:

**PART 380—ANTARCTIC MARINE LIVING RESOURCES CONVENTION ACT OF 1984**

1. The authority citation for part 380 continues to read as follows:

Authority: 16 U.S.C. 2431 *et seq.*

**§ 380.2 [Amended]**

2. In § 380.2, the definition of “fishing season” is removed, and in the definition for “Antarctic finfishes”, in the table, the entries in the left column *Notothenia gibberifrons* and *Notothenia squamifrons* are removed and the

entries *Gobionotothen gibberifrons* and *Lepidorhirus squamifrons* are added in their place, respectively.

3. In § 380.23, paragraphs (b)(1), (c) through (j), paragraphs (k) introductory text, (k)(5)(v)(A), (k)(5)(ix), and (k)(5)(xiii) are revised and paragraphs (k)(5)(ii)(G) and (l) through (n) are added to read as follows:

**§ 380.23 Catch restrictions.**

\* \* \* \* \*

(b) \* \* \*

(1) The total catch of *E. superba* shall not exceed 450,000 mt in any fishing season.

\* \* \* \* \*

(c) The following catch restrictions apply to *D. eleginoides* in statistical subarea 48.4 (Figure 1 to part 380):

(1) The total catch of *D. eleginoides* shall not exceed 28 mt.

(2) For the purposes of applying this catch restriction, the fishing season begins on March 1, 1996, and ends on August 31, 1996.

(3) Each vessel participating in the fishery must carry at least one scientific observer, appointed in accordance with the CCAMLR Scheme of International Scientific Observation, aboard throughout all fishing activities within the fishing period.

(d) The following directed fishing is prohibited in statistical subarea 48.3 (Figure 1 to part 380):

(1) Directed fishing on *N. rossii*.

(2) Directed fishing on *G. gibberifrons*, *C. aceratus*, *P. georgianus*, *L. squamifrons*, and *P.b. guntheri* from November 5, 1994, through November 1, 1996.

(e) The following bycatch limitations apply in statistical subarea 48.3 during any fishing season:

(1) The bycatch of *G. gibberifrons* shall not exceed 1,470 mt.

(2) The bycatch of *C. aceratus* shall not exceed 2,200 mt.

(3) The bycatch of *P. georgianus*, *N. rossii*, and *L. squamifrons* shall not exceed 300 mt each.

(f) The following catch restrictions apply to *D. eleginoides* in statistical subarea 48.3 from March 1, 1996, through August 31, 1996, or until the total allowable catch is reached, whichever comes first:

(1) The total catch of *D. eleginoides* shall not exceed 4,000 mt.

(2) Each vessel participating in the fishery must carry at least one scientific observer, appointed in accordance with the CCAMLR Scheme of International Scientific Observation, aboard throughout all fishing activities within the fishing period.

(g) The following catch restrictions apply to *E. carlsbergi* in statistical

subarea 48.3 from November 3, 1995, through November 1, 1996:

(1) The total catch of *E. carlsbergi* shall not exceed 109,000 mt.

(2) The total catch of *E. carlsbergi* shall not exceed 14,500 mt in the Shag Rocks region, defined as the area bounded by 52°30' S. lat., 40° W. long.; 52°30' S. lat., 44° W. long.; 54°30' S. lat., 40° W. long.; and 54°30' S. lat., 44° W. long..

(3) If in the course of the directed fishery for *E. carlsbergi*, the bycatch in any one haul exceeds 5 percent of any bycatch species in paragraph (e), the fishing vessel must move to another fishing location within the subarea not closer than 5 nautical miles (9.26 km), for a period of at least 5 days.

(h) The taking of finfish, other than for scientific research purposes, is prohibited in subareas 48.1 and 48.2 (Figure 1 to part 380).

(i) The following catch restrictions apply to *L. squamifrons* in statistical division 58.4.4 (Figure 1 to part 380) from November 5, 1994, through November 1, 1996:

(1) The total catch of *L. squamifrons* for this period shall not exceed 715 m on Lena Bank and 435 mt on Ob Bank.

(2) Each vessel participating in the fishery shall carry a scientific observer, appointed in accordance with the CCAMLR scheme of International Scientific Observation aboard throughout all fishing activities within the fishing period.

(j) The following catch restrictions apply to statistical division 58.5.2 (Figure 1 to part 380) for each fishing season. (For purposes of applying this limit, a fishing season begins at the close of the annual meeting of CCAMLR and continues until the earlier of June 30 or until respective precautionary catch limits are reached, whichever comes first):

(1) The total catch limit for *C. gunnari* is 311 mt.

(2) The total catch limit for *D. eleginoides* is 297 mt.

(3) If in the course of a directed fishery for *C. gunnari* or *D. eleginoides*, the bycatch in any haul exceeds 5 percent for *L. squamifrons*, *N. rossii*, *C. rhinoceratus* or *Bathyrja spp.*, the fishing vessel shall move to another location not closer than 5 nautical miles (9.26 km) distant. For a period of at least 5 days, the fishing vessel shall not fish within 5 nautical miles (9.26 km) of the location in which the bycatch exceeded 5 percent.

(k) The following catch restrictions apply to fishing for any Antarctic crab species in the crab group Order Decapoda, Suborder Reptantia, in

statistical area 48 from November 4, 1995, through November 1, 1996:

\* \* \* \* \*

(5) \* \* \*

(ii) \* \* \*

(G) Soak time is defined for each string of crab pots as the time between the start of setting and the start of hauling.

\* \* \* \* \*

(v) \* \* \*

(A) Every vessel conducting Phase 2 shall fish in 3 small squares measuring approximately 26 nautical miles (48.15 km) in area (the dimension of these squares shall be 6.0° lat. by 7.5° long. The squares shall be subdivisions of the blocks delineated in Phase 1 of the experimental regime. Vessel captain shall determine the location of the 3 squares that will be fished, but selected squares may not be contiguous and the distance between the boundaries of any 2 squares must be at least 4 nautical miles (7.41 km).

\* \* \* \* \*

(ix) Data collected during the experimental harvest regime up to June 30 in any split-year shall be submitted to the CCAMLR Data manager by August 31 of the following split year.

\* \* \* \* \*

(xiii) The experimental regime shall be instituted for a period of 3 split-years (1995–96 to 1997–98). Fishing vessels that begin experimental fishing in the 1997–98 split-year must complete the regime during the 1998–99 split-year.

(l) The following catch restrictions apply to *C. gunnari* in statistical subarea 48.3 from November 3, 1995, through March 31, 1996:

(1) The total catch of *C. gunnari* shall not exceed 1,000 mt.

(2) The fishery shall close if the bycatch of any of the species listed in paragraph (e) above reaches its bycatch limit or if the total catch of *C. gunnari* reaches 1,000 mt, whichever comes first.

(3) If, in the course of the directed fishery for *C. gunnari*, the bycatch in any one haul exceeds 5 percent for any of the species listed in paragraph (e) of this section, the fishing vessel shall move to another location not closer than 5 nautical miles (9.26 km) distant. For a period of at least 5 days, the fishing vessel shall not fish within 5 nautical miles (9.26 km) of the location in which the bycatch exceeded 5 percent.

(4) Each vessel participating in the directed fishery for *C. gunnari* is required to undertake a scientific survey carried out in accordance with the survey design specified in the CCAMLR Draft Manual for Bottom Trawl Surveys in the Convention Area.

(5) Each vessel participating in the directed fishery for *C. gunnari* shall

have a scientific observer, appointed in accordance with the CCAMLR Scheme of International Scientific Observation, aboard throughout all fishing activities within the fishing season.

(m) Vessels of, and persons subject to the jurisdiction of, the United States shall not fish for *D. eleginoides* and *D. mawsoni* in statistical 58.4.3 from November 4, 1995, through June 30, 1996.

(n) Vessels of, and persons subject to the jurisdiction of, the United States shall not fish for deep-water species other than *D. eleginoides* and *C. gunnari* in statistical division 58.5.2 from November 4, 1995, through June 30, 1996.

4. In § 380.24, the introductory text to paragraphs (a) through (d) are revised, paragraph (e) is removed, paragraphs (f) and (g) are redesignated as paragraphs (e) and (f) respectively, the introductory text to redesignated paragraphs (e), (f), (f)(1), and redesignated paragraphs (f)(2) and (f)(3) are revised, and paragraphs (e)(4), (e)(5) and (f)(4) are added to read as follows:

#### § 380.24 Reporting requirements.

(a) Five-day catch and effort reporting is established for catches in the Convention Area greater than 5 mt taken during fishing for research purposes; for *D. eleginoides* in statistical subareas 48.3 and 48.4; and for *L. squamifrons* in statistical division 58.4.4 as follows:

\* \* \* \* \*

(b) Ten-day catch and effort reporting is established for fishing for any member of the crab group (Order Decapoda, Suborder Reptantia) in statistical area 48; *C. gunnari* in statistical division 58.5.2; and *D. eleginoides* in statistical division 58.5.2 as follows:

\* \* \* \* \*

(c) Monthly catch and effort reporting is established for *E. superba* in statistical area 48 and in statistical subdivision 58.4.2; and for *E. carlsbergi* in statistical subarea 48.3 as follows:

\* \* \* \* \*

(d) Monthly effort and biological data reporting for trawl fisheries is established for *E. carlsbergi* in statistical subarea 48.3; for the bycatch of any cephalopod, crustacean or fish species other than *E. carlsbergi* in the directed fishery for *E. carlsbergi* in statistical area 48.3; for *L. squamifrons* in statistical division 58.4.4; for the bycatch of *D. eleginoides* in the directed fishery for *L. squamifrons* in statistical division 58.4.4; for *C. gunnari* in statistical division 58.5.2; and for *D. eleginoides* in statistical division 58.5.2 as follows:

\* \* \* \* \*

(e) Monthly effort and biological data *D. eleginoides* for fishing in statistical subareas 48.3 and 48.4 from November 3, 1995, through November 1, 1996, is established as follows:

\* \* \* \* \*

(4) Haul-by-haul data must be reported to the Assistant Administrator For Fisheries, NOAA (AA) not later than the end of following month on the CCAMLR fine-scale catch and effort data form for longline fisheries (Form C2, latest version). These data shall include numbers of seabirds and marine mammals of each species caught and released or killed.

(5) Completed forms B2 and C2 must be conveyed by cable, telex, rapidfax, or other appropriately timely method to the number or address specified in the vessel's permit, and must include the vessel's name, permit number, month of reporting, and the catch in metric tons (to the nearest tenth of a metric ton). If no restricted species are taken during a reporting period, the operator must submit a form showing no catch or bycatch.

(f) Reporting for crab fishing (Order *Decapoda*, Suborder *Reptania*) in statistical area 48 is required as follows:

(1) The following data must be reported to the CCAMLR Data Manager by August 31, 1996 for catches taken between November 4, 1995, and July 31, 1996; by September 30, 1996 for catches taken between July 31, 1996 and August 31, 1996; and by November 17, 1996 for catches taken between August 31, 1996 and November 1, 1996:

\* \* \* \* \*

(2) Data gathered during the experimental harvest regime described in § 380.23 (k) shall be reported to CCAMLR Data Manager upon the completion of each phase of the experimental harvest.

(3) Every 10-day reporting of catch and effort data, as described in paragraph (b), is required during normal fishing between Phase 1 and Phase 2, and between Phase 2 and Phase 3 of the experimental harvest regime. Reports shall be submitted to the CCAMLR Data Manager.

(4) Copies of all data provided directly to the CCAMLR Data Manager shall be concurrently provided to the AA to the number or address specified in the vessel's permit, and must include the vessel's name, permit number, month of reporting, and catch in metric tons (to the nearest tenth of a metric ton).

5. In § 380.26, paragraphs (b) through (i) are revised to read as follows:

#### § 380.26 Closures.

\* \* \* \* \*

(b) The fishery for *D. eleginoides* in statistical subarea 48.3 shall close on August 31, 1996, or when the total catch reaches 4,000 mt, whichever comes first.

(c) The fishery for *D. eleginoides* in statistical subarea 48.4 shall close on August 31, 1996, reaching the total allowable catch for *D. eleginoides* in statistical subarea 48.3, or when the total catch reaches 28 mt, whichever comes first.

(d) The fishery for *C. gunnari* in statistical subarea 48.3 shall close on November 1, 1996, or when the total catch reaches 1,000 mt, whichever comes first.

(e) The directed fishery for *E. carlsbergi* in statistical subarea 48.3 shall close November 1, 1996, or when the bycatch of any of the species *G. gibberifrons*, *C. aceratus*, *N. rossii*, *L. squamifrons*, *P. georgianus*, or *P.B. guntheri* reaches its bycatch limit, or when the total catch of *E. carlsbergi* reaches 109,000 mt, whichever comes first.

(f) The directed fishery for *E. carlsbergi* in the Shag Rocks region of statistical subarea 48.3 shall close November 1, 1996, or when the bycatch of any of the species named in paragraph (e) of this section reaches its bycatch limit, or when the total catch of *E. carlsbergi* reaches 14,500 mt, whichever comes first.

(g) The fishery for *L. squamifrons* on Lena Bank in statistical division 58.4.4 shall close November 1, 1996, or when the total catch reaches 715 mt, whichever comes first.

(h) The fishery for *L. squamifrons* on Ob Bank in statistical division 58.4.4 shall close November 1, 1996, or when the total catch reaches 435 mt whichever comes first.

(i) The fishery for *C. gunnari* and *D. eleginoides* in statistical division 58.5.2 shall close the earlier of June 30 or until precautionary catch limits of 311 mt and 297 mt, respectively, are reached, whichever comes first.

6. Section 380.27 is revised to read as follows:

#### § 380.27 Gear restrictions.

(a) Longline fishing or longline fishing research in the Convention area (except for waters adjacent to the Kerguelen and Crozet Islands and the Prince Edward islands) shall be conducted as follows:

(1) Fishing operations shall be conducted in such a way that the baited hooks sink as soon as possible after they are put in the water. Only thawed bait shall be used.

(2) For vessels using the Spanish method of longline fishing, weights should be released before line tension occurs; whenever possible weights of at

least 6 kg mass should be used, spaced at 20 m intervals.

(3) Longlines shall be set only at night (between the times of nautical twilight). During longline fishing at night, only the minimum ship's lights necessary for safety shall be used. Wherever possible, setting of lines should be completed at least 3 hours before dawn (to reduce loss of bait to/catches of white-chinned petrels).

(4) The dumping of offal shall be avoided as far as possible while longlines are being set or hauled; if discharge of offal is unavoidable, the discharge must take place on the opposite side of the vessel to that where longlines are set or hauled.

(5) Every effort should be made to ensure that birds captured alive during longlining are released alive and that wherever possible hooks are removed without jeopardizing the life of the bird concerned.

(6) A streamer line designed to discourage birds from settling on baits during deployment of longlines shall be towed. Specification of the streamer line is given in Figure 2 to part 380. Details of the construction relating to the number and placement of swivels may be varied so long as the effective sea surface covered by the streamers is no less than that covered by the currently specified design. Details of the device dragged in the water in order to create tension in the line may also be varied.

(7) The streamer line is to be suspended at the stern from a point approximately 4.5 m above the water and such that the line is directly above the point where the baits hit the water.

(8) The streamer line is to be approximately 3 mm diameter, have a minimum length of 150 m and have a device at the end to create tension so that the main line streams directly behind the ship even in cross winds.

(9) At 5 m intervals commencing from the point of attachment to the ship five branch streamers each comprising two strands of approximately 3 mm cord should be attached. The length of the streamer should range between approximately 3.5 m nearest the ship to approximately 1.25 m for the fifth streamer. When the streamer line is deployed the branch streamers should reach the sea surface and periodically dip into it as the ship heaves. Swivels should be placed in the streamer line at the towing point, before and after the point of attachment of each branch streamer and immediately before any weight placed at the end of the streamer line. Each branch streamer should also have a swivel at its attachment to the streamer line.

(10) Variations in the design of the streamer lines may be tested on vessels carrying two observers, at least one appointed in accordance with the CCAMLR Scheme of International Scientific observation, providing that all other elements of this paragraph are complied with. The streamer lines under test should be constructed and operated taking full account of principles developed by the CCAMLR Working Group on Incidental Mortality Arising from Longline fishing (WG-IMALF) and available from the AERG. Testing should be carried out independently of actual commercial fishing and in a manner consistent with § 380.30 on exploratory fisheries.

(b) The use of net monitor cables on harvesting vessels in the Convention Area (Figure 1 to part 380) is prohibited.

(c) The use of bottom trawls in the directed fishery for *C. gunnari* in statistical subarea 48.3 from November 3, 1995, through November 1, 1996, is prohibited.

(d) The use of any gear, except trawls, in the fisheries for *C. gunnari* and *D. eleginoides* in statistical subdivision 58.2.2 is prohibited.

(e) The use of any gear, except longlines, in the directed fishery for *D. eleginoides* in statistical subarea 48.3 from November 3, 1995, through November 1, 1996, is prohibited.

(f) The use of any gear, except longlines, in the directed fishery for *D.*

*eleginoides* in statistical subarea 48.4 from November 3, 1995, through November 1, 1996, is prohibited.

(g) The use of any gear, except crab pots (traps), in the crab fishery in statistical area 48 from November 3, 1995, through November 1, 1996, is prohibited.

Figure 2 [Redesignated as Appendix A to Part 380; Amended]

7. Figure 2 to part 380 is redesignated as Appendix A to part 380 and Table 2 to newly redesignated Appendix A is removed.

Figure 3 [Redesignated as Appendix B to Part 380]

8. Figure 3 to part 380 is redesignated as Appendix B to part 380 and revised to read as follows:

Appendix B to Part 380—Data Requirements for the Crab Fishery in Statistical Subarea 48.3

#### I. Catch and Effort Data

(1) *Cruise Descriptions*: Cruise code, vessel code, permit number, year.

(2) *Pot Descriptions*: Pot shape, dimensions, mesh size, funnel attitude, number of chambers, presence of an escape port.

(3) *Effort Descriptions*: Date, time, latitude, and longitude of the start set, compass bearing of the set, total number of pots set, spacing of pots on the line, number of pots lost depth, soak time, bait type.

(4) *Catch Descriptions*: Retained catch in numbers, bycatch of all species, incremental record number for linking with sample information.

#### II. Data Requirements for Bycatch Species in the Exploratory Crab Fishery in Statistical Subarea 48.3

Species	Data requirements
<i>Dissostichus eleginoides</i> .	Numbers and estimated total weight.
<i>Notothenia rossii</i>	Numbers and estimated total weight.
Other species .....	Estimated total weight.

#### III. Biological Data

For these data, crabs are to be sampled from the line hauled just prior to noon, by collecting the entire contents of a number of pots spaced at intervals along the line so that between 35 and 50 specimens are represented in the subsample.

(1) *Cruise Descriptions*: Cruise code, vessel code, permit number.

(2) *Sample Descriptions*: Date, position at the start of the set, line number.

(3) *Data*: Species, sex, length of at least 35 individuals, presence/absence of rhizocephalan parasites, record of the destination of the crab (kept, discarded, destroyed), record of the pot numbers from which the crab come.

9. In part 380, the words "Figure 2" and "Figure 3" are removed wherever they appear and the words "Appendix A" and "Appendix B" are added in their place, respectively.

10. A new Figure 2 is added to part 380 to read as follows:

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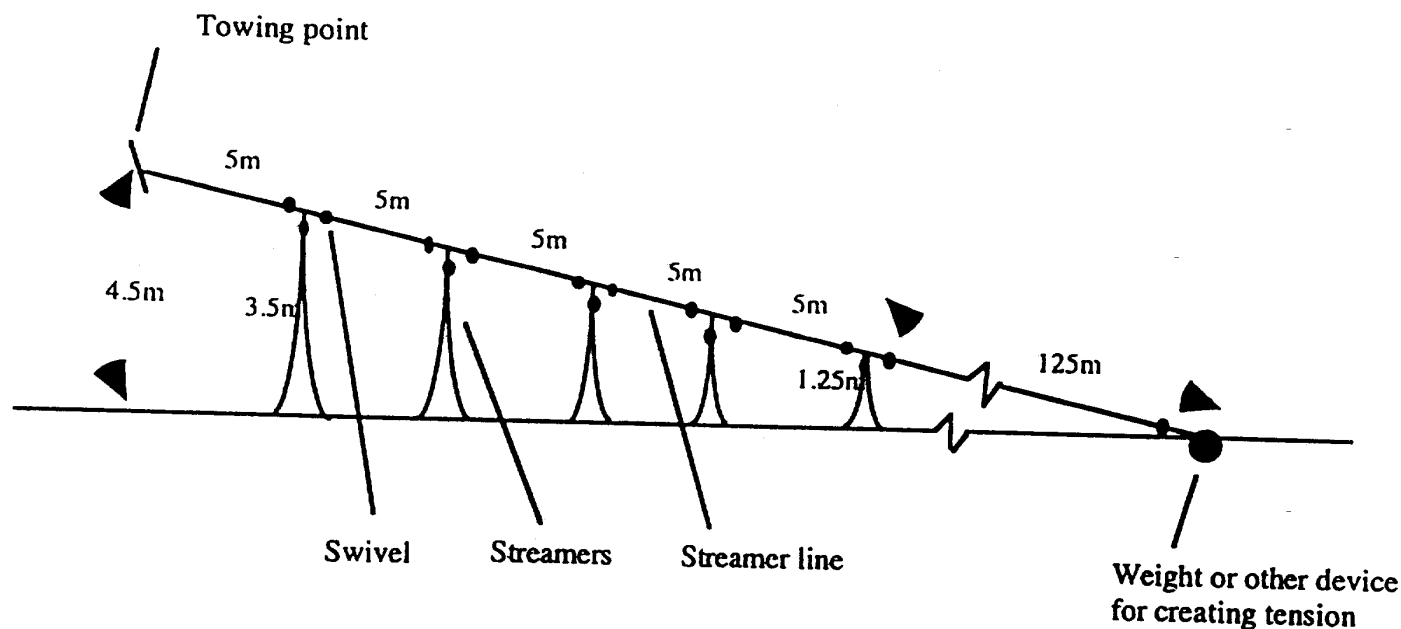


Figure 2 to Part 380—The Use of Streamer Lines to Minimize the Incidental Mortality of Seabirds in the Course of Longline Fishing or Longline Fishing Research Operations in the Convention Area (see § 380.27 for specifications on use)

[FR Doc. 96-4756 Filed 2-29-96; 3:19 pm]

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#### 50 CFR Part 650

[Docket No. 9602226047-6047-01; I.D. 020696B]

RIN 0648-AI37

#### Atlantic Sea Scallop Fishery; Reduction in Crew Size Limit

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues this final rule to implement measures contained in Framework Adjustment 7 to the Atlantic Sea Scallop Fishery Management Plan (FMP). This framework adjustment permanently reduces the maximum crew size from nine to seven.

**EFFECTIVE DATE:** March 11, 1996.

**ADDRESSES:** Copies of Amendment 4, its regulatory impact review and the final regulatory flexibility analysis contained therein, the final supplemental environmental impact statement (SEIS), and the supporting documents for Framework Adjustment 7 are available from Douglas Marshall, Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway, Saugus, MA 01906-1097.

**FOR FURTHER INFORMATION CONTACT:** Paul H. Jones, 508-281-9273.

**SUPPLEMENTARY INFORMATION:**

#### Background

The final rule implementing Amendment 4 to the FMP was published on January 19, 1994 (59 FR 2777), with implementation of most measures on March 1, 1994. The amendment retained the FMP's objectives to: (1) Restore adult stock abundance and age distribution; (2) increase yield-per-recruit for each stock; (3) evaluate plan research, development, and enforcement costs; and (4) minimize adverse environmental impacts on sea scallops.

Amendment 4 changed the primary management strategy from a meat count (size) control to effort control. The amendment controls total fishing effort through limited access permits and a schedule of reductions in allowable days at sea (DAS). Supplemental measures include limits on increases in vessel fishing power to control the amount of fishing pressure and to help control the size of scallops landed, gear restrictions, and limits on the number of crew members. Additionally, the amendment includes a framework procedure for adjusting the management measures in the FMP. Initially, the maximum crew size was set at nine.

In response to very high levels of recruitment documented in the Mid-Atlantic resource area, the New England Fishery Management Council (Council) recommended lowering the maximum crew size from nine to seven, because a

smaller crew lowers shucked-scallop production. This reduced production is exacerbated if a vessel operator is targeting small scallops. Thus, this restriction provides an incentive to target larger scallops in order to obtain the same amount of yield from fewer scallops. Framework Adjustments 1 (59 FR 36720, July 19, 1994) and 4 (59 FR 36720, April 5, 1995), temporarily lowered the maximum crew size from nine to seven. The current framework adjustment 4 expires on February 29, 1996.

Because the conditions that justified lowering the maximum crew size to seven still exist, the Council recommended reducing the maximum crew-size permanently from nine to seven, until changed by plan amendment or other action.

In Framework 1, the 7-member crew limit was expected to increase yield-per-recruit, which would be realized during 1995 and 1996. No preliminary 1995 data are available to document that year's yield-per-recruit results. Yields would increase and spawning stock biomass would be greatly enhanced, but only during 1994. With an extension of the 7-member crew limit, similar results are expected as analyzed in Framework 1. Increased yield-per-recruit would occur during 1997 and 1998, and spawning stock biomass would be enhanced during 1996.

The extension of the 7-member crew limit is expected to reduce total