

such requests and charge accordingly. Likewise, the Corporation will aggregate multiple requests for documents received from the same requester within 45 days.

(l) The Corporation reserves the right to limit the number of copies that will be provided of any document to any one requester or to require that special arrangements for duplication be made in the case of bound volumes or other records representing unusual problems of handling or reproduction.

Dated: July 29, 1998.

**Victor M. Fortuno,**

*General Counsel.*

[FR Doc. 98-20643 Filed 7-31-98; 8:45 am]

BILLING CODE 7050-01-P

## FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 22, 24, 26, 27, 90 and 97

[ET Docket No. 96-2, FCC 98-140]

### Arecibo Coordination Zone

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** This Memorandum Opinion and Order ("MO&O") clarifies the rules regarding the Arecibo Radio Astronomy Observatory (Observatory) Coordination Zone that covers the islands of Puerto Rico, Desecheo, Mona, Vieques, and Culebra within the Commonwealth of Puerto Rico (the Puerto Rican Islands). This action will promote efficient coordination between the Observatory and service applicants in the Coordination Zone.

**EFFECTIVE DATE:** September 2, 1998.

**FOR FURTHER INFORMATION CONTACT:** Rodney Small, Office of Engineering and Technology, (202) 418-2452.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Memorandum Opinion and Order*, ET Docket 96-2, FCC 98-140, adopted June 29, 1998, and released July 2, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, DC, and also may be purchased from the Commission's duplication contractor, International Transcription Service, (202) 857-3800, 1231 20th Street, NW Washington, DC 20036.

### Summary of the Memorandum Opinion and Order

1. In the *Report and Order* (R&O), 62 FR 55525, October 27, 1997, in this

proceeding, we established a Coordination Zone that covers the Puerto Rican Islands. The policies that we established regarding the Coordination Zone require that: (1) applicants for new radio facilities in various communications services must provide notification of their proposed operations to the Observatory no later than the time their license applications are submitted to us; (2) applicants for modified radio facilities in these services must provide notification of their proposed operations to the Observatory no later than the time their license applications are submitted to us, but only if the modified facilities pose an interference threat to the operations of the Observatory; and (3) applicants for new radio facilities in commercial wireless services in which individual station licenses are not issued must provide notification of their proposed operations to the Observatory at least 45 days in advance of their proposed operations if their facilities pose an interference threat to the operations of the Observatory.

2. In the R&O, we provided the Observatory 20 days to file comments with us regarding each service applicant's potential for interference, and applicants are responsible for making reasonable efforts to accommodate the interference concerns of the Observatory. We did not establish interference standards, but required the operator of the Observatory—Cornell University (Cornell)—to provide interference guidelines to service applicants so that applicants may consider protection to the Observatory in the early design phase of radio facilities.

3. Puerto Rico Telephone Company (PRTC) filed a petition for reconsideration of the R&O, in which it urges us to reconsider three aspects of this decision. First, PRTC contends, we have inappropriately left control of interference standards to Cornell. PRTC argues that we should establish specific standards or, alternatively, require Cornell to develop standards and submit them to us for review. Second, PRTC urges us to place restrictions on what "reasonable efforts" will be required to satisfy Cornell in a given instance. PRTC contends that the record in the proceeding is not clear as to whether even as significant a change to a broadcast station's operating parameters as mandatory time-sharing of frequencies with the Observatory would be deemed "reasonable" by the Commission. Finally, PRTC urges us to reconsider our decision to apply coordination filing requirements to commercial wireless services for which

we award licenses for geographic service areas but not for individual operating facilities. PRTC argues that it is inconsistent to create a duty to file notifications with Cornell when such licensees are not required to file any information with us, and that the *Notice of Proposed Rule Making* (NPRM), 61 FR 10709, March 15, 1996, in this proceeding gave no notice that we were considering creating such a duty.

4. As discussed in the R&O, interference guidelines may significantly lessen coordination problems, and Cornell has pledged to develop such guidelines. We are convinced that a guideline approach is preferable to a standards approach. We find it efficient for Cornell to develop guidelines because it has gained expertise over many years through informal coordination with service applicants in the Coordination Zone. We reiterate our statement in the R&O that telecommunications service providers in Puerto Rico provide highly important services that must be maintained. Further, we believe it is in Cornell's self-interest to develop realistic guidelines so as to avoid unnecessary disputes with service applicants. Accordingly, we are affirming our decision and requiring Cornell to establish interference guidelines for each service in the Coordination Zone.

5. In the R&O, we stated that "reasonable efforts [to minimize interference from various telecommunications services to the Observatory] will vary from case-to-case, dependent on the degree of harm to the Observatory's operations and the extent of the change needed to prevent such harm" and "to attempt to set forth a general definition of the term 'reasonable efforts' is extremely difficult, if not impossible." Accordingly, we are denying PRTC's request to place general restrictions on the types of reasonable efforts that will be required of service applicants in the Coordination Zone.

6. However, while what is reasonable in each individual situation will vary, we can alleviate PRTC's specific concern regarding time-sharing of frequencies. As we stated in the R&O: "We also observe that adoption of a Coordination Zone would neither allocate additional spectrum for RAS [Radio Astronomy Service] use, nor provide the Observatory additional rights to spectrum allocated to other services." Requiring service providers in the Coordination Zone to time-share spectrum with the Observatory would provide it "additional rights to spectrum allocated to other services."

Accordingly, we are clarifying that involuntary time-sharing of frequencies between the Observatory and licensed services will not be mandated. This clarification does not prohibit voluntary time-sharing arrangements between the Observatory and a service provider.

7. The issue of including in the Coordination Zone commercial wireless services in which licensees do not receive individual station licenses was covered by our proposals in the NPRM and was specifically addressed by parties commenting on the NPRM. Accordingly, adequate notice of this issue was given.

8. With respect to the substantive concerns raised by PRTC regarding this issue, we stress that licensees of commercial wireless services in which licensees do not receive individual station licenses are required to notify the Observatory only when a new transmitter may cause harmful interference to the operations of the Observatory. We will continue to rely upon each operator to determine when a transmitter may pose an interference threat to the operations of the Observatory. We note that operators in these services must comply with the notification requirements when new transmitters are introduced. We cannot exclude the possibility that in some circumstances the introduction of a new or modified transmitter in a geographically-licensed service could result in harmful interference to the Observatory. Accordingly, we find that in those circumstances notification to the Observatory must take place. To make this policy explicit in the rules, we are adopting clarifying language for parts 22, 24, 26, 27, and 90.

9. Finally, in the *R&O*, the amended rules of part 97 inadvertently omitted language specifying that a licensee is required to make reasonable efforts to resolve or mitigate any potential interference problems with the Observatory and that a licensee must notify the Observatory of new or modified facilities at least 20 days in advance of planned operation. Accordingly, we are adding that language to part 97—see sections 97.203(h) and 97.205(h).

#### Final Regulatory Flexibility Analysis

10. Final Regulatory Flexibility Certification. As required by Section 603 of the Regulatory Flexibility Act (RFA), 5 U.S.C. 603, an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the NPRM. We sought written comments on the proposals in the NPRM, including the IRFA. No commenting parties raised issues specifically in response to the

IRFA, and a Final Regulatory Flexibility Analysis was included in the *R&O*. The rules adopted in this Memorandum Opinion and Order (MO&O) provide clarification of the rules adopted in the *R&O*. We therefore certify pursuant to section 605(b) of the RFA that the rules adopted in the MO&O do not have a significant economic impact on a substantial number of small entities. We shall provide a copy of this certification to the Chief Counsel for Advocacy of the SBA, and shall include it in the report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996.

#### List of Subjects

##### 47 CFR Part 22

Communications common carriers, Radio.

##### 47 CFR Part 24

Personal communications services, Radio.

##### 47 CFR Part 26

General Wireless communications service, Radio.

##### 47 CFR Part 27

Wireless communications service, Radio.

##### 47 CFR Part 90

Land mobile, Radio.

##### 47 CFR Part 97

Civil defense, Radio.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

#### Rule Changes

For the reasons discussed in the preamble, parts 22, 24, 26, 27, 90 and 97 of Title 47 of the Code of Federal Regulations are amended as follows:

#### PART 22—PUBLIC MOBILE SERVICES

1. The authority citation for part 22 continues to read as follows:

**Authority:** 47 U.S.C. 154, 222, 303, 309 and 332.

2. Section 22.369, is amended by revising paragraphs (d)(1), (2) and (3) to read as follows:

##### § 22.369 Quiet zones and Arcibo Coordination Zone.

\* \* \* \* \*

(d) \* \* \*

(1) Carriers planning to construct and operate a new Public Mobile Services station at a permanent fixed location on the islands of Puerto Rico, Desecheo, Mona, Vieques or Culebra in services in which individual station licenses are

issued by the FCC; planning to construct and operate a new Public Mobile Services station at a permanent fixed location on these islands that may cause interference to the operations of the Arcibo Observatory in services in which individual station licenses are not issued by the FCC; or planning a modification of any existing Public Mobile Services station at a permanent fixed location on these islands that would increase the likelihood of causing interference to the operations of the Arcibo Observatory must notify the Interference Office, Arcibo Observatory, Post Office Box 995, Arcibo, Puerto Rico 00613, in writing or electronically (e-mail address: prcz@naic.edu), of the technical parameters of the planned operation. Carriers may wish to use the interference guidelines provided by Cornell University as guidance in designing facilities to avoid interference to the Observatory. The notification must include identification of the geographical coordinates of the antenna location (NAD-83 datum), the antenna height, antenna directivity (if any), proposed channel and FCC rule part, type of emission, and effective isotropic radiated power.

(2) In services in which individual station licenses are issued by the FCC, the notification required in paragraph (d)(1) of this section should be sent at the same time the application is filed with the FCC, and at least 20 days in advance of the applicant's planned operation. The application must state the date that notification in accordance with paragraph (d)(1) was made. In services in which individual station licenses are not issued by the FCC, the notification required in paragraph (d)(1) of this section should be sent at least 45 days in advance of the applicant's planned operation. In the latter services, the Interference Office must inform the FCC of a notification by an applicant within 20 days if the Office plans to file comments or objections to the notification. After the FCC receives an application from a service applicant or is informed by the Interference Office of a notification from a service applicant, the FCC will allow the Interference Office a period of 20 days for comments or objections in response to the application or notification.

(3) If an objection to any planned service operation is received during the 20-day period from the Interference Office, the FCC will take whatever action is deemed appropriate.

## PART 24—PERSONAL COMMUNICATIONS SERVICES

3. The authority citation for part 24 continues to read as follows:

**Authority:** 47 U.S.C. 154, 301, 302, 303, 309, and 332.

4. Section 24.18 is revised to read as follows:

### § 24.18 Notification to the Arecibo Observatory.

(a) The requirements in this section are intended to minimize possible interference at the Arecibo Observatory in Puerto Rico. Licensees must make reasonable efforts to protect the Observatory from interference. Licensees planning to construct and operate a new station at a permanent fixed location on the islands of Puerto Rico, Desecheo, Mona, Vieques or Culebra in services in which individual station licenses are issued by the FCC; planning to construct and operate a new station at a permanent fixed location on these islands that may cause interference to the operations of the Arecibo Observatory in services in which individual station licenses are not issued by the FCC; or planning a modification of any existing station at a permanent fixed location on these islands that would increase the likelihood of causing interference to the operations of the Arecibo Observatory must notify the Interference Office, Arecibo Observatory, Post Office Box 995, Arecibo, Puerto Rico 00613, in writing or electronically (e-mail address: prcz@naic.edu), of the technical parameters of the planned operation. Carriers may wish to use the interference guidelines provided by Cornell University as guidance in designing facilities to avoid interference to the Observatory. The notification must include identification of the geographical coordinates of the antenna location (NAD-83 datum), the antenna height, antenna directivity (if any), proposed channel and FCC Rule Part, type of emission, and effective isotropic radiated power.

(b) In services in which individual station licenses are issued by the FCC, the notification required in paragraph (a) of this section should be sent at the same time the application is filed with the FCC, and at least 20 days in advance of the applicant's planned operation. The application must state the date that notification in accordance with paragraph (a) was made. In services in which individual station licenses are not issued by the FCC, the notification required in paragraph (a) of this section should be sent at least 45 days in advance of the applicant's planned

operation. In the latter services, the Interference Office must inform the FCC of a notification by an applicant within 20 days if the Office plans to file comments or objections to the notification. After the FCC receives an application from a service applicant or is informed by the Interference Office of a notification from a service applicant, the FCC will allow the Interference Office a period of 20 days for comments or objections in response to the application or notification.

(c) If an objection to any planned service operation is received during the 20-day period from the Interference Office, the FCC will take whatever action is deemed appropriate.

## PART 26—GENERAL WIRELESS COMMUNICATIONS SERVICE

5. The authority citation for part 26 continues to read as follows:

**Authority:** 47 U.S.C. 154, 301, 302, 303, 309, and 332, unless otherwise noted.

6. Section 26.105 is revised to read as follows:

### § 26.105 Notification to the Arecibo Observatory.

(a) The requirements in this section are intended to minimize possible interference at the Arecibo Observatory in Puerto Rico. Licensees must make reasonable efforts to protect the Observatory from interference. Licensees planning to construct and operate a new station at a permanent fixed location on the islands of Puerto Rico, Desecheo, Mona, Vieques or Culebra in services in which individual station licenses are issued by the FCC; planning to construct and operate a new station at a permanent fixed location on these islands that may cause interference to the operations of the Arecibo Observatory in services in which individual station licenses are not issued by the FCC; or planning a modification of any existing station at a permanent fixed location on these islands that would increase the likelihood of causing interference to the operations of the Arecibo Observatory must notify the Interference Office, Arecibo Observatory, Post Office Box 995, Arecibo, Puerto Rico 00613, in writing or electronically (e-mail address: prcz@naic.edu), of the technical parameters of the planned operation. Carriers may wish to use the interference guidelines provided by Cornell University as guidance in designing facilities to avoid interference to the Observatory. The notification must include identification of the geographical coordinates of the antenna location (NAD-83 datum), the antenna

height, antenna directivity (if any), proposed channel and FCC rule part, type of emission, and effective isotropic radiated power.

(b) In services in which individual station licenses are issued by the FCC, the notification required in paragraph (a) of this section should be sent at the same time the application is filed with the FCC, and at least 20 days in advance of the applicant's planned operation. The application must state the date that notification in accordance with paragraph (a) was made. In services in which individual station licenses are not issued by the FCC, the notification required in paragraph (a) of this section should be sent at least 45 days in advance of the applicant's planned operation. In the latter services, the Interference Office must inform the FCC of a notification by an applicant within 20 days if the Office plans to file comments or objections to the notification. After the FCC receives an application from a service applicant or is informed by the Interference Office of a notification from a service applicant, the FCC will allow the Interference Office a period of 20 days for comments or objections in response to the application or notification.

(c) If an objection to any planned service operation is received during the 20-day period from the Interference Office, the FCC will take whatever action is deemed appropriate.

## PART 27—WIRELESS COMMUNICATIONS SERVICE

7. The authority citation for part 27 continues to read as follows:

**Authority:** 47 U.S.C. 154, 301, 302, 303, 307, 309, and 332, unless otherwise noted.

8. Section 27.62 is revised to read as follows:

### § 27.62 Notification to the Arecibo Observatory.

(a) The requirements in this section are intended to minimize possible interference at the Arecibo Observatory in Puerto Rico. Licensees must make reasonable efforts to protect the Observatory from interference. Licensees planning to construct and operate a new station at a permanent fixed location on the islands of Puerto Rico, Desecheo, Mona, Vieques or Culebra in services in which individual station licenses are issued by the FCC; planning to construct and operate a new station at a permanent fixed location on these islands that may cause interference to the operations of the Arecibo Observatory in services in which individual station licenses are not issued by the FCC; or planning a

modification of any existing station at a permanent fixed location on these islands that would increase the likelihood of causing interference to the operations of the Arecibo Observatory must notify the Interference Office, Arecibo Observatory, Post Office Box 995, Arecibo, Puerto Rico 00613, in writing or electronically (e-mail address: prcz@naic.edu), of the technical parameters of the planned operation. Carriers may wish to use the interference guidelines provided by Cornell University as guidance in designing facilities to avoid interference to the Observatory. The notification must include identification of the geographical coordinates of the antenna location (NAD-83 datum), the antenna height, antenna directivity (if any), proposed channel and FCC rule part, type of emission, and effective isotropic radiated power.

(b) In services in which individual station licenses are issued by the FCC, the notification required in paragraph (a) of this section should be sent at the same time the application is filed with the FCC, and at least 20 days in advance of the applicant's planned operation. The application must state the date that notification in accordance with paragraph (a) was made. In services in which individual station licenses are not issued by the FCC, the notification required in paragraph (a) of this section should be sent at least 45 days in advance of the applicant's planned operation. In the latter services, the Interference Office must inform the FCC of a notification within 20 days if the Office plans to file comments or objections to the notification. After the FCC receives an application from a service applicant or is informed by the Interference Office of a notification from a service applicant, the FCC will allow the Interference Office a period of 20 days for comments or objections in response to the application or notification.

(c) If an objection to any planned service operation is received during the 20-day period from the Interference Office, the FCC will take whatever action is deemed appropriate.

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

9. The authority citation for part 90 continues to read as follows:

**Authority:** Secs. 4, 251-2, 303, 309 and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 251-2, 303, 309 and 332, unless otherwise noted.

10. Section 90.177 is amended by revising paragraph (f) introductory text,

and paragraphs (f)(1) and (2) to read as follows:

#### § 90.177 Protection of certain radio receiving locations.

\* \* \* \* \*

(f) Licensees planning to construct and operate a new station at a permanent fixed location on the islands of Puerto Rico, Desecheo, Mona, Vieques or Culebra in services in which individual station licenses are issued by the FCC; planning to construct and operate a new station at a permanent fixed location on these islands that may cause interference to the operations of the Arecibo Observatory in services in which individual station licenses are not issued by the FCC; or planning a modification of any existing station at a permanent fixed location on these islands that would increase the likelihood of causing interference to the operations of the Arecibo Observatory must notify the Interference Office, Arecibo Observatory, Post Office Box 995, Arecibo, Puerto Rico 00613, in writing or electronically (e-mail address: prcz@naic.edu), of the technical parameters of the planned operation. Carriers may wish to use the interference guidelines provided by Cornell University as guidance in designing facilities to avoid interference to the Observatory. The notification must include identification of the geographical coordinates of the antenna location (NAD-83 datum), the antenna height, antenna directivity (if any), proposed channel and FCC Rule Part, type of emission, and effective isotropic radiated power.

(1) In services in which individual station licenses are issued by the FCC, the notification required in paragraph (f) of this section should be sent at the same time the application is filed with the FCC, and at least 20 days in advance of the applicant's planned operation. The application must state the date that notification in accordance with paragraph (f) was made. In services in which individual station licenses are not issued by the FCC, the notification required in paragraph (f) of this section should be sent at least 45 days in advance of the applicant's planned operation. In the latter services, the Interference Office must inform the FCC of a notification within 20 days if the Office plans to file comments or objections to the notification.

(2) After the FCC receives an application from a service applicant or is informed by the Interference Office of a notification from a service applicant, the FCC will allow the Interference Office a period of 20 days for comments or objections in response to the

application or notification. The applicant will be required to make reasonable efforts in order to resolve or mitigate any potential interference problem with the Arecibo Observatory and to file either an amendment to the application or a modification application, if appropriate. If the FCC determines that an applicant has satisfied its responsibility to make reasonable efforts to protect the Observatory from interference, its application may be granted.

\* \* \* \* \*

#### PART 97—AMATEUR RADIO SERVICE

11. The authority citation for part 97 continues to read as follows:

**Authority:** 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-155, 301-609, unless otherwise noted.

12. Section 97.203 is amended by revising paragraph (h) introductory text, and (h)(2) to read as follows:

#### § 97.203 Beacon station.

\* \* \* \* \*

(h) The provisions of this paragraph do not apply to repeaters that transmit on the 1.2 cm or shorter wavelength bands. Before establishing a repeater within 16 km (10 miles) of the Arecibo Observatory or before changing the transmitting frequency, transmitter power, antenna height or directivity of an existing repeater, the station licensee must give notification thereof at least 20 days in advance of planned operation to the Interference Office, Arecibo Observatory, Post Office Box 995, Arecibo, Puerto Rico 00613, in writing or electronically, of the technical parameters of the proposal. Licensees who choose to transmit information electronically should e-mail to: prcz@naic.edu

(1) \* \* \*

(2) If an objection to the proposed operation is received by the FCC from the Arecibo Observatory, Arecibo, Puerto Rico, within 20 days from the date of notification, the FCC will consider all aspects of the problem and take whatever action is deemed appropriate. The licensee will be required to make reasonable efforts in order to resolve or mitigate any potential interference problem with the Arecibo Observatory.

13. Section 97.205 is amended by revising paragraph (h) introductory text and (h)(2) to read as follows:

#### § 97.205 Repeater station.

\* \* \* \* \*

(h) The provisions of this paragraph do not apply to repeaters that transmit on the 1.2 cm or shorter wavelength bands. Before establishing a repeater within 16 km (10 miles) of the Arecibo Observatory or before changing the transmitting frequency, transmitter power, antenna height or directivity of an existing repeater, the station licensee must give notification thereof at least 20 days in advance of planned operation to the Interference Office, Arecibo Observatory, Post Office Box 995, Arecibo, Puerto Rico 00613, in writing or electronically, of the technical parameters of the proposal. Licensees who choose to transmit information electronically should e-mail to: prcz@naic.edu

(1) \* \* \*

(2) If an objection to the proposed operation is received by the FCC from the Arecibo Observatory, Arecibo, Puerto Rico, within 20 days from the date of notification, the FCC will consider all aspects of the problem and take whatever action is deemed appropriate. The licensee will be required to make reasonable efforts in order to resolve or mitigate any potential interference problem with the Arecibo Observatory.

[FR Doc. 98-20528 Filed 7-31-98; 8:45 am]

BILLING CODE 6712-01-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 630

[I.D. 072398A]

#### North Atlantic Swordfish Fishery; Closure

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

**ACTION:** Closure.

**SUMMARY:** NMFS has projected that the driftnet directed fishery quota of 41.6 metric tons (mt) dressed weight (dw) for the 1998 North Atlantic swordfish

season (opens August 1, 1998) will be reached on or before August 12, 1998. Consequently, NMFS closes the driftnet directed fishery for the North Atlantic swordfish management unit, effective 11:30 p.m. on August 14, 1998. All swordfish must be offloaded by driftnet vessels by the time of the closure.

**DATES:** The closure is effective at 11:30 p.m. local time on August 14, 1998.

**FOR FURTHER INFORMATION CONTACT:** Jill Stevenson, (301) 713-2347.

**SUPPLEMENTARY INFORMATION:** The North 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-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) and the Atlantic Tunas Convention Act (ATCA) (16 U.S.C. 971 *et seq.*). Regulations issued under the authority of ATCA carry out the recommendations of International Commission for the Conservation of Atlantic Tunas.

The regulations governing the Atlantic swordfish fisheries at 50 CFR 630.24 provide for a specified annual quota to be landed by the driftnet directed fishery. NMFS is required, under § 630.25(a)(1), to monitor the catch and landings statistics and, on the basis of these statistics, to project a date when the catch will equal the quota, and to publish a **Federal Register** document announcing the closure at least 14 days in advance.

The North Atlantic swordfish driftnet fishery was closed on December 5, 1996, under an emergency rule to protect the endangered northern right whale. That fishery remained closed through November 26, 1997, while NMFS considered fishery management alternatives to reduce bycatch in the fishery and to address other fishery management issues. On December 1, 1997 (62 FR 63467), NMFS implemented a temporary time/area closure under the authority of the Endangered Species Act to avoid the likelihood that this fishery would jeopardize the continued existence of the northern right whale. As a result of these rulemakings, the driftnet fishery

has not operated in the North Atlantic Ocean for swordfish since the summer of 1996.

#### Closure of the Fishery

The average daily landings of swordfish in the driftnet fishery in the first semiannual season of 1996 were greater than 14,000 lb dw (6.4 mt dw). However, NMFS considered a number of factors that are likely to slow the daily catch rates in the 1998 fishery. Based on previous landings and other factors, it is expected that the driftnet directed harvest quota of 41.6 mt dw for the entire directed fishery (which opens on August 1, 1998) would be reached on or about August 12, 1998. To allow for travel time from the fishing grounds and time for offloading, NMFS announces that the directed fishery for swordfish is closed at 11:30 p.m. on August 14, 1998. All vessels must be in port and offloaded on or before this closing date. This notice provides more than a 14 day period during which swordfish vessel owners can plan their fishing and sale of landings prior to the closure deadline.

During the closure of the directed swordfish driftnet fishery, on board a vessel using or having on board a driftnet, a person may not fish for swordfish from the north Atlantic stock, and no more than 2 swordfish, caught incidentally while fishing for other species, may be possessed in the North Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea, north of 5° N. latitude, or landed in an Atlantic, Gulf of Mexico, or Caribbean state. Driftnets are not permitted for use in the South Atlantic swordfish fishery.

#### Classification

This action is taken under 50 CFR 630.24 and 50 CFR 630.25 (a) and is exempt from review under E.O. 12866.

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

Dated: July 28, 1998.

**Bruce Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 98-20538 Filed 7-28-98; 4:33 pm]

BILLING CODE 3510-22-F