and Environmental Standards (G–MSO–2), Room 1210, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593, telephone (202) 267–1181.

SUPPLEMENTARY INFORMATION:

Request for Information

The Coast Guard encourages interested persons to participate in this request by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this notice, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes. The Coast Guard will consider all comments received during the comment period.

The Coast Guard plans no public meeting. Persons may request a public meeting by writing to the address under **ADDRESSES**. The request should include the reasons why a meeting would be beneficial. If the Coast Guard determines that the opportunity for oral presentations is appropriate, it will hold a public meeting at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

On December 18, 1996, the Coast Guard published in the **Federal Register** a final rule (61 FR 66613) interpreting the alternative tonnage for OSVs and establishing a limit of 6,000 gross tons, as measured under the International Convention on Tonnage Measurement of Ships (ITC), for OSVs regulated under 46 CFR subchapter L. This tonnage corresponds to the maximum length of 100 meters for OSVs constructed to the latest international standards, and enables the domestic OSV industry to be more competitive in the international market. That final rule resulted from amended section 709(3) of the Coast Guard Authorization Act of 1996 (Pub. L. 104–324; 110 Stat. 3901) and resides in 46 CFR 125.160.

With the promulgation of the new definition of OSVs and the need for the fleet of OSVs to serve drilling and production units in deeper waters, the Coast Guard is closely monitoring all aspects of the design, construction, and operation of OSVs built since the effective date of that final rule. With the increase in gross tonnage and length of OSVs, it is obvious that larger OSVs need standards beyond those of 46 CFR subchapter L to address the safety concerns inherent within large size and deepwater operations. The National Offshore Safety Advisory Committee (NOSAC) recommended that the Coast Guard promulgate supplementary regulations to deal with the new issues peculiar to larger OSVs.

Comments received after the publishing of the interim rule on 46 CFR subchapter L in November 1995 also indicated a desire that the Coast Guard regulate crew boats under subchapter L. NOSAC recommended the same.

The final rule for 46 CFR subchapter L is currently in final clearance and should be published during July 1997. Although the Coast Guard cannot promulgate new rules until that rule is published, it can begin to develop them; hence this notice.

Discussion of Prospective Rules

The Coast Guard is publishing this notice to indicate its consideration of additional issues relating to OSVs. There are two main ones.

First, the Coast Guard is considering establishing a breakpoint in convention gross tonnage (between 2,000 ITC gross tons and 6,000 ITC gross tons) so as to develop two categories of OSVs, large and small. It also is considering developing appropriate standards for the larger OSVs beyond those now in subchapter L to enable the vessels to engage in fair competition in international markets while ensuring their safety.

Second, the Coast Guard is considering regulating crew boats under 46 CFR subchapter L. These boats would have been proper subjects of the rule about to become final, but the issue of how to treat them arose too late.

Questions

To adequately address the issues raised by this notice, the Coast Guard needs more information. Public response to the questions contained in this notice will help the Coast Guard to more completely and carefully consider these issues. The questions are not all-inclusive, and any supplemental, germane information is welcome. Responses to the following questions would be particularly useful:

1. Where (between 2,000 ITC gross tons and 6,000 ITC gross tons) should the breakpoint between large and small OSVs fall, and for what reasons? For example, given the provisions of the 1978 International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers (STCW), does a breakpoint of 3,000 gross tons make sense?

2. What standards (whether domestic, international, or both) beyond those already in subchapter L should the larger OSVs meet?

3. Should crew boats be regulated under 46 CFR subchapter L? Why or why not?

4. What should be the appropriate manning levels of larger OSVs? Of crew boats? Of both?

5. What should be the appropriate license requirements of larger OSVs (as provided for by STCW)? Of crew boats? Of both?

Dated: July 15, 1997.

R.C. North,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 97–19449 Filed 7–24–97; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[MD Docket No. 96–186; FCC 97–254]

Assessment and Collection of Regulatory Fees for Fiscal Year 1997

AGENCY: Federal Communications Commission.

ACTION: Further notice of proposed rulemaking.

SUMMARY: On June 26, 1997, the Commission released a Report and Order that revised its Schedule of Regulatory Fees in order to recover the amount of regulatory fees that Congress, pursuant to Section 9(a) of the Communications Act, as amended, has required it to collect for Fiscal Year (FY) 1997. See 47 U.S.C. 159 (a). The intended effect of this action is to seek further comments concerning our proposals to require Commercial Mobile Radio Service (CMRS) licensees to maintain and make available to the Commission within 30 days, upon request by the Managing Director, pursuant to delegated authority, documentation concerning the basis for their fee payment; require that non-profit entities exempt from the regulatory fee requirement because of possessing either non-profit status under § 501 of the Internal Revenue Code, 26 U.S.C. 501, or certification as a non-profit corporation or other non-profit entity by state or other governmental authority submit documentation of their non-profit status; and publish annually in the **Federal Register** lists of those commercial communications firms and

businesses who have paid a regulatory fee for the preceding fiscal year (except licensees for vanity call signs in the amateur service or any other licensees that pay their regulatory fee at the same time the application is paid).

DATES: Written comments are due: August 14, 1997. Comments regarding Paperwork Burden Impact: September 23, 1997.

ADDRESSES: Federal Communications Commission, Secretary's Office, Room 222, 1919 M Street, N.W., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Regina W. Dorsey, Office of the Managing Director at (202) 418–1995.

SUPPLEMENTARY INFORMATION: Adopted: July 17, 1997. Released: July 18, 1997.

1. The Commission recently completed a proceeding to revise its Schedule of Regulatory Fees in order to recover the amount of regulatory fees, $152,523,000, that Congress has required it to recover for Fiscal Year (FY) 1997. See Report and Order in the Matter of Assessment and Collection of Regulatory Fees for Fiscal Year 1997, MD Docket No. 96–186, FCC 97–215, released June 26, 1997, 62 FR 37408 (July 11, 1997). Since the commencement of our regulatory fee program, Congress has consistently increased the amount that we are to recover. For FY 1997, Congress has required that we collect $152,523,000 compared with $60,000,000 that Congress required us to collect for FY 1994, the initial year of the fee program. In order to fairly and efficiently collect the annual fees necessary to recover these increasingly large amounts, we believe that certain changes to our collection processes are warranted. Therefore, by this Further Notice of Proposed Rulemaking (FNPRM), we are proposing to modify our collection procedures for regulatory fees in order to help assure increased accuracy and timeliness of regulatory fee payments.

2. We propose to require Commercial Mobile Radio Service (CMRS) licensees to maintain and make available to the Commission within 30 days, upon request by the Managing Director, pursuant to delegated authority, documentation concerning the basis for their fee payments. Such documentation on the number of pagers, cellular telephones or PCS units is not available in the Commission's files and is necessary in order to assure that fee payments are accurately prepared and reliable.

3. Acceptable documentation, which we propose to require that the filing entity retain for a period of three years, might include records such as reports to other government agencies, billing records, certified financial statements, or other records that demonstrate the accuracy of the fee payment. CMRS licensees probably already prepare such documentation for use in calculating their fee payments. Thus, maintaining this information should constitute little, if any, burden. Our intention is to minimize, to the fullest extent possible, any burden on fee payers related to our proposed requirement for documentation of the basis for fee payments. Therefore, interested parties are specifically requested to comment upon both the nature and extent of documentation of unit counts that would be most appropriate for our needs.

4. In addition, we are proposing to require that non-profit entities exempt from the regulatory fee requirement submit documentation of their non-profit status. Section 1.1161(c) of the Commission's rules exempts from annual regulatory fees entities possessing either non-profit status under § 501 of the Internal Revenue Code, 26 U.S.C. 501, or certification as a nonprofit corporation or other nonprofit entity by state or other governmental authority. For fiscal years 1994 through 1996, we required as part of our fee payment verification process that non-profit entities provide, upon request, copies of their IRS determination letters or other documentation of nonprofit status. This procedure has become unduly burdensome as we seek to implement more efficient methods to improve our collections systems.

5. Therefore, we are proposing to revise our procedures to require that all exempt non-profit entities submit to us their current IRS determination letters or other current documentation of non-profit status. Non-profit entities need file this supporting documentation only once. Of course, exempt entities would also be obligated to inform us of any change in their exempt status. The time for filing documentation of exempt status would be announced, pursuant to authority delegated to the Managing Director, by a public notice published in the **Federal Register** following completion of this proceeding.

6. We are also requesting comment on a proposal to publish annually in the **Federal Register** lists of those commercial communication firms and businesses that have paid a regulatory fee for the preceding fiscal year. (We would not, however, publish information concerning regulatory fee payments by licensees for vanity call signs in the amateur radio service or by any other licensee that pays its regulatory fee at the same time the application fee is paid.) The information published would include the amount of the fee paid and the volume or units upon which the fee payments were based. This will enable fee payers to verify that their payments have been properly recorded and to bring errors to our attention, thereby reducing the burden on our fee payment verification process. We intend to publish the first such list once fee payments for FY 1997 are made and prior to our establishment of fees for FY 1998. In connection with publication of the lists, interested parties should be aware that, consistent with our existing rules, certain types of proprietary information may be entitled to confidential treatment. Fee payers who believe that they qualify should request confidentiality when filing the relevant information. See 47 CFR 0.459; see also Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year, Memorandum Opinion and Order on Reconsideration, MD Docket No. 94–19, FCC 95–257, released June 22, 1995, 60 FR 34902 (July 5, 1995). All such confidentiality requests must, of course, be fully supported and meet all applicable legal standards. See 47 CFR 0.459(b),(c), and 0.457(2)(i).

7. Finally, we note that we could have adopted some of the above proposals without notice and comment because they constitute procedural changes to our regulatory fee payment collection and verification processes and procedures. See 5 U.S.C. 553(b)(3)(a). Nevertheless, we are requesting public comment, including comment on alternative processes and procedures, to help assure that our actions are the most effective available without imposing any undue burden on those subject to the payment of a regulatory fee. [1]

Procedural Matters

A. Ex Parte Rules

8. This is a non-restricted notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed pursuant to the Commission's rules. See 47 CFR 1.1203 and 1.1206.

B. Initial Regulatory Flexibility Analysis

9. As required by the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1165, 5 U.S.C. 601 *et seq.* (1981) (RFA),

[1] As a separate matter, we are revising FCC Forms 159 and 159-C to provide a certification statement to be signed by an individual owner or officer of the firm subject to the fee payment stating that the fee payment filed is accurate and complete and supported by the firm's internal accounting records.

the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposals suggested in this document. The IRFA is set forth in the Attachment. Written public comments are requested with respect to the IRFA. These comments must be filed in accordance with the same filing deadlines for comments on the rest of the FNPRM, but they must have a separate and distinct heading, designating the comments as responses to the IRFA. The Commission shall send a copy of this FNPRM, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with the RFA, 5 U.S.C. § 603(a).

C. Paperwork Reduction Act Compliance

Initial Paperwork Reduction Act of 1995 Analysis

10. This FNPRM contains either a proposed or modified information collection. As part of its continuing effort to reduce paperwork burdens, we invite the general public to take this opportunity to comment on the information collections contained in this FNPRM, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13. Public and agency comments are due at the same time as other comments on this FNPRM. Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

11. Written comments by the public on the proposed and/or modified information collections are due September 23, 1997. Written comments must be submitted to the Office of Management and Budget (OMB) on the proposed and/or modified information collections on or before 60 days after date of publication in the **Federal Register**. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, DC 20554, or via the Internet to jboley@fcc.gov and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725—17th Street, N.W., Washington, DC 20503 or via the Internet to fain____t@al.eop.gov.

12. For additional information concerning the information collections contained in this FNPRM contact Judy Boley at 202–418–0214, or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: None.

Title: Assessment and Collection of Regulatory Fees for Fiscal Year 1997.

Form No.: None.

Type of Review: New Collection.

Respondents: Business or other for profit; individuals or households; not for profit institutions.

Number of Respondents: To be determined.

Estimated Time Per Response: To be determined.

Total Annual Burden: To be determined.

Needs and Uses: The Commission will require CMRS licensees to maintain, and make available upon request, documentation concerning the basis for their fee payments. Non-profit entities, exempt from regulatory fee requirements, will be required to submit, on a one-time basis, copies of their IRS determination letters or other documentation of non-profit status. This information is needed to ensure that the Commission is collecting the appropriate regulatory fees, as directed by Congress.

D. Authority and Further Information

13. Accordingly, *it is ordered* that, pursuant to authority in §§ 4(i) and (j), 9, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i) and (j), 159, and 303(r) and procedures set forth in §§ 1.415(b) and 1.419 of the Commission's Rules, 47 CFR 1.415(6), 1.419, interested parties may file comments on or before August 14, 1997. All relevant comments will be considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, participants must file an original and four copies of all comments and supporting materials. If participants want each Commissioner to receive a personal copy of their comments, an original and nine copies must be filed. Comments should be sent to the Office of Secretary, Federal Communications Commission, Washington, D.C. 20554. Interested parties who do not wish to formally participate in this proceeding, may file informal comments at the same address. Comments will be available for public inspection during regular business hours, in the FCC Reference Room, Room 239, 1919 M St., N.W. 20554.

14. *It is further Ordered* that a copy of this further notice of proposed rulemaking, including the IRFA herein, will be sent to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with the Regulatory Flexibility Act, 5 U.S.C. 603(a).

15. Further information about this proceeding may be obtained by contacting Martha Contee at (202) 418–0260.

Initial Regulatory Flexibility Analysis

16. Pursuant to the Regulatory Flexibility Act (RFA), the Commission has prepared the following Initial Regulatory Flexibility Analysis (IRFA) of the expected significant economic impact on small entities of the policies and rules in this Further Notice of Proposed Rulemaking (FNPRM). Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the FNPRM, and should have a separate and distinct heading designating them as responses to the IRFA. The Commission shall send a copy of this FNPRM, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with the RFA, 5 U.S.C. 603(a).

17. Need for and Objectives of the Proposed Rules. We are proposing to modify our collection procedures for regulatory fees in order to help assure increased accuracy and timeliness of regulatory fee payments. We seek comment on these proposals.

18. Legal Basis. The proposed action is authorized under § 4(i) and(j), 9, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and (j), 159, and 303(r).

19. Description and Estimate of the Number of Small Entities To Which the Proposed Rules Will Apply. Under the RFA, small entities may include small organizations, small businesses, and small governmental jurisdictions. 5 U.S.C. 601(6). The RFA, 5 U.S.C. 601(3), generally defines the term ''small business'' as having the same meaning as the term ''small business concern'' under the Small Business Act, 15 U.S.C. 632. A small business concern is one that: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) meets any additional criteria established by the Small Business Administration (SBA).

20. The proposals in this FNPRM would potentially affect a very broad array of small entities, including small entities described as cable services or

systems, common carrier services and related entities, international services, mass media services, and wireless and commercial mobile services. In the companion rulemaking document to this FNPRM—the Report and Order in this present docket, very recently released—we have extensively described the small entities that might be affected by this action, and have also described the numbers of such entities. (See ''Final Regulatory Flexibility Analysis,'' Attachment A of Report and Order, MD Docket No. 96–186, FCC 97–215, released June 26, 1997, 62 FR 37408 (July 11, 1997).) We hereby incorporate into this IRFA, by reference, those descriptive sections from the Report and Order.

21. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements. With certain exceptions, the Commission's Schedule of Regulatory Fees applies to all Commission licensees and regulatees. In the companion Report and Order to this FNPRM and in the Commission's Rules, we have described the methodology used by affected entities to determine required fee amounts, the procedures for calculating and filing fee payments, the skills necessary to file, and the results of not filing in accordance with the rules. (See Report and Order, Attachment H and §§ 1.1157 through 1.1167 of the Commission's Rules, 47 CFR 1.1157 through 1.1167.) We hereby incorporate into this IRFA, by reference, those descriptions. In addition, we note that the present proposals, if adopted, would require Commercial Mobile Radio Service (CMRS) licensees to maintain and make available to the FCC within 30 days of request, documentation concerning the basis for their fee payments and that these documents be retained by the payer for three years; would require that non-profit entities exempt from the regulatory fee requirement submit documentation of their non-profit status; and would direct the Commission to publish annually, in the **Federal Register**, a list of those firms and individuals who paid a fee for the preceding fiscal year and who engaged in the provision of communications for commercial purposes, along with the amount of the fee paid, and the volume or units upon which the fee payments were based. We seek comment on these proposals.

22. Steps taken to minimize any significant economic impact on small entities, and significant alternatives considered and rejected. As described in the paragraph immediately above, the Commission is proposing certain modifications to the collection procedures for regulatory fees in order to help assure increased accuracy and timeliness of regulatory fee payments. Each of the above-described proposals that require compliance would entail some level of economic impact, and this impact would fall on some small entities. We believe, however, that these proposals, if adopted, would help ensure the integrity of the regulatory fees program. We seek comment on any possible alternatives that might lessen the economic impact on small entities while still furthering the goals of this proceeding.

23. Federal rules that may duplicate, overlap, or conflict with the proposed rules. We are aware of no rules that may duplicate, overlap, or conflict with the proposed rules. We seek comment on this conclusion.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97–19657 Filed 7–24–97; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 630

[Docket No. 970110171–7171–01; I.D. 041097A]

RIN 0648–AJ63

North and South Atlantic Swordfish Fishery; Quotas

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

ACTION: Proposed rule; public hearings; request for comments.

SUMMARY: NMFS proposes to amend the regulations governing the Atlantic swordfish fishery to: Reduce the quota in the North Atlantic Ocean to 2,458 metric tons (mt) dressed weight (dw) for 1997, 2,393 mt dw for 1998, and 2,327 mt dw for 1999, with one half of each year's quota allocated equally to each of two semi-annual fishing seasons (June 1 through November 30 and December 1 through May 31); define the South Atlantic swordfish stock, set a 187.5 mt dw quota for that stock for 1997, and implement the same management measures for the South Atlantic swordfish stock as are currently in place for the North Atlantic stock, such as minimum size limit, vessel permitting, logbook reporting, and observer requirements. The intent of this action is to improve conservation and management of the Atlantic swordfish resource, while allowing harvests consistent with recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). NMFS is also seeking comments on amending Atlantic swordfish regulations as they apply to vessel operations at the time of a closure. NMFS will convene public hearings to receive comments from fishery participants and other members of the public regarding this proposed rule.

DATES: Comments must be submitted on or before August 21, 1997. See **SUPPLEMENTARY INFORMATION** for hearing dates and times.

ADDRESSES: Comments on the proposed rule and copies of the Draft Environmental Assessment/Regulatory Impact Review (EA/RIR) supporting this action may be obtained from Rebecca Lent, Highly Migratory Species Division, Office of Sustainable Fisheries, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. See **SUPPLEMENTARY INFORMATION** for hearing locations. Comments regarding the burden-hour estimate or any other aspect of the collection-of-information requirement contained in this rule should be sent to Rebecca Lent or to the Office of Management and Budget (OMB), Attention: NOAA Desk Officer, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: John Kelly, 301–713–2347, fax: 301–713–1917; or Buck Sutter, 813–570–5447, fax: 813–570–5364.

SUPPLEMENTARY INFORMATION: The U.S. 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 ICCAT.

Background

According to the 1996 ICCAT stock assessment, the fishable biomass (total weight) of North Atlantic swordfish at the beginning of 1996 was estimated to be at 58 percent of that needed to produce maximum sustainable yield (MSY). The 1995 fishing mortality rate (F) was estimated to be 2.05 times the fishing mortality rate necessary to produce MSY. The average size of North Atlantic swordfish has declined from over 91 kg dw (200 lbs) in 1963 to 30.5 kg dw (67 lbs) in 1995. Because the