

from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Andrew J. Rhodes,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95-18563 Filed 7-27-95; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 95-123, RM-8669]

Radio Broadcasting Services; Winona, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by OARA, Inc. proposing the allotment of Channel 274A to Winona, Texas, as the community's first local aural transmission service. Channel 274A can be allotted to Winona in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 274A at Winona are 32-29-22 and 95-10-01.

DATES: Comments must be filed on or before September 15, 1995, and reply comments on or before October 2, 1995.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Ann Bavender, Fletcher, Heald & Hildreth, 1300 N. 17th Street, 11th Floor, Rosslyn, Virginia 22209 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-123, adopted July 18, 1995, and released July 25, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-

3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Andrew J. Rhodes,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95-18565 Filed 7-27-95; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 95-121, RM-8660]

Radio Broadcasting Services; Dearing, KS

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by William Bruce Wachter, proposing the allotment of Channel 251A to Dearing, Kansas, as the community's first local aural transmission service. Channel 251A can be allotted to Dearing in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 251A at Dearing are 37-03-31 and 95-42-47.

DATES: Comments must be filed on or before September 15, 1995, and reply comments on or before October 2, 1995.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Lauren A. Colby, 10 E. Fourth Street, P.O. Box 113, Frederick, Maryland 21705-0113 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-121, adopted July 18, 1995, and released July 25, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Andrew J. Rhodes,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95-18561 Filed 7-27-95; 8:45 am]

BILLING CODE 6712-01-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 630 and 678

[Docket No. 950713178-5178-01; I.D. 062695D]

RIN 0648-A110

Options for Establishing an Interim Permit Moratorium and Eligibility Criteria for the Atlantic Swordfish and Shark Fisheries

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

ACTION: Advance Notice of Proposed Rulemaking (ANPR); request for comments.

SUMMARY: NMFS is considering a temporary moratorium on the issuance of permits for the Atlantic swordfish

and shark fisheries. NMFS announces the availability of a Concept Paper entitled "Towards Rationalization of Fisheries for Highly Migratory Species" and two Supplemental Papers outlining options for a permit moratorium in the Atlantic swordfish and Atlantic shark fisheries, respectively. The options discussed are not all-inclusive; suggestions for alternative approaches are encouraged.

DATES: Written comments on this ANPR must be received on or before August 28, 1995.

ADDRESSES: Requests for copies of the Concept Paper, the Atlantic Swordfish Supplement, and the Atlantic Shark Supplement should be addressed to Richard B. Stone, Chief, Highly Migratory Species Management Division (F/CM4), National Marine Fisheries Service, 1315 East/West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Pamela Mace, 301-713-2347.

SUPPLEMENTARY INFORMATION:

Historically, the Atlantic swordfish and shark fisheries have operated under open access. On August 30, 1991, a notice of control date for entry into the Atlantic swordfish fishery was published in the **Federal Register** (56 FR 42982). On February 22, 1994, a notice of control date for entry into the Atlantic shark fishery was published in the **Federal Register** (59 FR 8457). These notices announced that anyone entering the fishery after the control date may not be assured of future access to the fishery, if some form of limited access were implemented later. The purpose of the notices was to promote awareness of potential eligibility criteria for access to the fishery and to discourage speculative entry into the fishery. It was noted that the Secretary of Commerce could subsequently choose a different control date or choose not to use a control date. Regardless, the control date was not effective in discouraging speculative entry into the fishery. The number of swordfish vessels permitted has since increased significantly, from about 750 vessels in 1991 to 1,044 vessels in 1993 and 1,134 in 1994. Similarly, the number of shark permits increased from 1,706 in 1993 to 2,026 in 1994.

Several factors may have contributed to the increases since the published control dates. The recent trend toward limited or controlled access in many fisheries has probably prompted many fishermen to attempt to establish a "history" (by obtaining a permit) in as many fisheries as possible, either for speculative purposes or to maintain flexibility to participate in alternative

fisheries. Another consequence of implementing limited access is that the excess fleet capacity from limited access fisheries tends to spill over into the remaining open access fisheries. Also, in the NMFS Southeast Region, which has permitting responsibility for Atlantic swordfish and shark, permit application procedures changed in 1992. Prior to 1992, separate applications were required for each fishery; in 1992, a combined application listing all Southeast-permitted fisheries was implemented. This made it far easier for fishermen to apply for multiple permits, particularly since there was little additional cost involved. Finally, new permit requirements for other fisheries in recent years (e.g., snapper-grouper) exposed many fishermen to the combined application form for the first time, increasing the probability that multiple permits, including swordfish and sharks, would be requested.

Regardless of the causes, it is evident that there is an excessive number of permitted vessels in both the swordfish and shark fisheries, because the numbers of permitted vessels in the fisheries have consistently been far greater than the number of vessels actively participating in the fisheries and reporting landings of swordfish or sharks.

Swordfish

The Fishery Management Plan for Atlantic Swordfish was implemented on September 18, 1985, and included a requirement for vessel permits beginning January 1, 1986. However, to date, there have been no eligibility requirements for obtaining a swordfish permit (e.g., earned income requirement). During 1986-91, the number of vessels permitted in the fishery fluctuated between approximately 500 and 750 vessels. Subsequently, the number of permits has increased to 1,134 by 1994.

To comply with the 1990 recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT) regarding Atlantic swordfish, NMFS implemented management measures including quotas and a minimum size limit on June 12, 1991 (56 FR 26934). The total allowable catch (TAC) was initially set at 6.9 million lb dressed weight (3,129.8 mt) and was subsequently increased to 7.56 million lb dressed weight (3,429.2 mt) on August 4, 1992 (57 FR 34264).

Although the TAC has not been reached since 1991, this situation could reverse dramatically in 1995 (there are already projections indicating that, at the present catch rate, the 1995 quota

will be taken by mid-October). Beginning in 1989-90, some of the most productive vessels in the Atlantic fishery began shifting operations to the Pacific; however, recently some have returned to the Atlantic. Most of these vessels have maintained their "participation" in the Atlantic fleet by continuing to obtain a swordfish permit each year. If additional vessels return, landings would reach TAC levels even earlier, compounding problems associated with derby fisheries, such as the race for the fish and early closures of the fishery.

Perhaps more important, the large and increasing number of inactive, permitted vessels represents substantial potential for increases in fishing effort and overcapitalization. If appreciable numbers of these vessels become active in the fishery, for example due to declining opportunities in other fisheries, the TAC could be caught much sooner, resulting in much shortened fishing seasons for all and significant economic impact on those in the fishery.

Finally, all of these factors relating to excessive harvesting capacity are compounded by the need for additional future reductions in TAC to achieve stock rebuilding. The most recent stock assessment (1994) was more pessimistic than the previous (1992) assessment. The analyses indicate that the stock biomass continues to decline and that substantial reductions in quota are necessary in the immediate future to rebuild the stock to levels that can support the maximum sustainable yield. Based on the assessment results, ICCAT has recommended further reductions in allowable harvest levels.

The 1994 ICCAT recommendation for North Atlantic swordfish included a recommended 1995 U.S. quota of 6.56 million lb dressed weight (3,970 mt) and a 1996 quota of 5.79 million lb dressed weight (3,500 mt). These levels represent reductions of about 13 percent and 23 percent, respectively, from the current TAC. Such reductions contribute to the "race for the quota" and underscore the importance of addressing controlled access to the fishery.

Sharks

Historically, the Atlantic shark fishery has operated under open access. The Fishery Management Plan for Sharks of the Atlantic Ocean (shark FMP) was implemented on April 26, 1993, and included a requirement for vessel permits. There are also eligibility requirements for obtaining a shark permit (e.g., an earned income requirement). Many of the issues in the

shark fisheries are similar to the issues mentioned above for the swordfish fisheries. During 1993–1995, the number of vessels permitted in the fishery has fluctuated between approximately 1,700 and 2,100 vessels. There are far more permitted vessels in the fishery than are necessary or probably desirable to harvest the available TAC. In April 1993, quotas were established to rebuild the stock. The entire 1993 TAC was harvested by approximately 250 vessels yet there were 1,706 vessels permitted in the fishery in 1993.

All of the factors relating to excessive harvesting capacity in the shark fisheries could be compounded by the potential need for additional reductions in TAC to achieve stock rebuilding. The most recent shark evaluation workshop (1994) and status update (1995) have been more pessimistic than earlier analyses summarized in the shark FMP. The analyses indicate that the biomass

of large coastal sharks has declined substantially and does not appear to be recovering. Reductions in quota may be necessary in the immediate future to rebuild the stock to levels that can support the maximum sustainable yield. Based on the assessment results and comments from the Shark Operations Team, NMFS is considering further reductions in allowable harvest levels. Such reductions would compound factors contributing to the “race for the quota” and underscore the importance of addressing controlled access to the fishery.

Request for Comments

NMFS announces the availability of a Concept Paper entitled “Towards Rationalization of Fisheries for Highly Migratory Species” and two Supplemental Papers outlining options for a permit moratorium in the Atlantic swordfish and Atlantic shark fisheries, respectively. NMFS is particularly

interested in receiving comments about eligibility criteria for participation in the fisheries for the duration of each permit moratorium, and the conditions under which the moratorium will operate. The options discussed are not all-inclusive; suggestions for alternative approaches are encouraged. After consideration of the comments, NMFS will decide whether to develop a moratorium for either or both fisheries, and will propose alternative features for each moratorium if adopted. Any moratorium would be implemented through rulemaking (a proposed rule and a final rule).

Authority: 16 U.S.C. 1801 *et seq.* and 16 U.S.C. 971 *et seq.*

Dated: July 19, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

[FR Doc. 95–18208 Filed 7–27–95; 8:45 am]

BILLING CODE 3510–22–F