

testing rates for the following year. (See 49 CFR 219.602 and 219.608.)

Under this performance-based system, FRA may lower the minimum random drug testing rate to 25 percent whenever the industry-wide random drug positive rate is less than 1.0 percent for two calendar years while testing at 50 percent. (For both alcohol and drugs, FRA reserves the right to consider other factors, such as the number of positives in its post-accident testing program, before deciding whether to lower annual minimum random testing rates). FRA will return the rate to 50 percent if the industry-wide random drug positive rate is 1.0 percent or higher in any subsequent calendar year.

In 1994, FRA set the 1995 minimum random drug testing rate at 25 percent because 1992 and 1993 industry drug testing data indicated a random drug positive rate below 1.0 percent. In this notice, FRA announces the minimum random drug testing rate will continue to be 25 percent of covered railroad employees for the period January 1, 1997 through December 31, 1997, since the industry random positive rate for 1995 is below 1.0 percent.

FRA implemented a parallel performance-based system for random alcohol testing. Under this system, FRA may lower the minimum random alcohol testing rate to 10 percent whenever the industry-wide violation rate is less than .05 percent for two calendar years while testing at a higher rate. FRA will raise the rate to 50 percent if the industry-wide violation rate is 1.0 percent or higher in any subsequent calendar year. If the industry-wide violation rate is less than 1.0 percent but greater than .05 percent, the rate will remain at 25 percent.

Random alcohol testing was fully implemented at a 25 percent minimum testing rate on January 1, 1996. Since FRA does not yet have two years of data for the entire rail industry, the current random alcohol testing rate will remain at 25 percent of covered railroad employees for the period January 1, 1997 through December 31, 1997.

Issued in Washington, DC on March 13 1997.

Donald M. Itzkoff,

Deputy Administrator, Federal Railroad Administration.

[FR Doc. 97-6831 Filed 3-19-97; 8:45 am]

BILLING CODE 4910-06-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 630

[I.D. 012197D]

Atlantic Swordfish Fishery; Quota adjustment; Closure

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

ACTION: Quota adjustment; closure; bycatch limit adjustment.

SUMMARY: NMFS is reducing the directed fishery quota for the second semiannual swordfish season (December 1, 1996, to May 31, 1997), due to updated estimates of dead discards in 1995 and 1996. The directed fishery quota is reduced from 1,064.4 metric tons (mt) dressed weight to 749.7 mt. Based upon landings to date in the second semiannual season and historical landings, NMFS estimates that this adjusted fishery landings quota will be reached on or before April 12, 1997. Therefore, NMFS closes the directed fishery effective at 12 noon on April 12, 1997.

EFFECTIVE DATES: The reduction is effective March 14, 1997 through May 31, 1997. The closure is effective at 12 noon on April 12, 1997, through May 31, 1997.

FOR FURTHER INFORMATION CONTACT: Rebecca Lent or James Chambers, 301-713-2347.

SUPPLEMENTARY INFORMATION: The 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.*) (Magnuson Act) 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 (ICCAT).

The regulations governing the Atlantic swordfish fisheries at 50 CFR 630.24 provide for a specified annual quota to be landed by the directed fishery. The annual quota is divided into two semiannual quotas for each of the 6-month periods, June 1 through November 1, and December 1 through May 31 (61 FR 27304, May 31, 1996). 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.

Under § 630.25(b), NMFS is authorized to set aside, during the June 1 through November 30 semi-annual period, swordfish not exceeding 21,500 lb (9,752 kg), dressed weight, for the harpoon segment of the fishery if NMFS determines that the harpoon and longline quota in this semi-annual period will be harvested before the harpoon segment of the fishery has had an opportunity to harvest the set-aside amount (61 FR 34746, July 3, 1996). No set-aside is currently authorized for the December 1 through May 31 semi-annual period. Therefore, this closure is effective for the entire directed swordfish fishery and affects all gear categories.

NMFS is authorized, under § 630.25(c)(2), to adjust the longline bycatch allowance of 15 swordfish per trip during a closure of the directed fishery. The bycatch limit of 15 swordfish was reduced to 6 swordfish during the 1995 closure (60 FR 58245, November 27, 1995). However, while this bycatch allowance of 6 fish was effective for a period of less than one month, it still did not prevent the quota from being exceeded. Accordingly, based on the length of the directed fishery closure (April 12 through May 31, 1997) and the remaining available bycatch quota, NMFS believes it is necessary to further reduce the bycatch allowance to 5 swordfish per trip.

1996 Quota Adjustment

Estimates of longline swordfish dead discards were included in the calculation of the U.S. quota for landings by longline operators. The 1995 final quota rule (60 FR 46775, September 8, 1995) allocated 2,676 mt to the directed swordfish longline fishery, of which 8.4 percent (226 mt) was projected to be discarded dead, yielding a total landings quota of 2,450 mt for the 1995 fishing year. Final 1995 figures indicate that, in fact, swordfish longline dead discards (394.3 mt) accounted for 14.7 percent of the total catch by weight. Thus, actual longline dead discards exceeded the original projection by 168.3 mt. The directed swordfish longline fishery landings quota for the second 1996 semiannual season (December 1, 1996, to May 31, 1997) is reduced by 168.3 mt to correct for this difference. The 1996 fishing year landings quota for the longline fishery must also be adjusted to account for the higher dead discard rate that actually occurred in the 1995 fishing year.

Assuming a discard rate of 14.7 percent, the estimate of dead discards should be revised from 195.2 mt to 341.6 mt, or an increase of 146.4 mt.

The total reduction in the 1996 fishing year landings quota for the longline fishery is 168.3 mt plus 146.4 mt, or 314.7 mt. This leaves a total directed landing quota of 749.7 mt for the Atlantic swordfish fishery.

Closure of the Fishery

The landings of swordfish in the longline fishery in the second semiannual season reached 610 mt by March 1, 1997, leaving 139.7 mt in the landings quota. Additional quota remaining for the second half includes 90 mt from the bridge period quota (January 1–May 31, 1996) and 96 mt from the bycatch quota for 1996. Thus, the total quota remaining as of March 1, 1997, is 325.7 mt (139.7 + 90 + 96 mt). In 1996, landings of swordfish by longliners reached 213 mt in March. If the same rate occurs in March of 1997, this would leave 113 mt for both April and May.

During a two month closure of the directed fishery in 1995, with a bycatch limit of 15 fish per trip for November and 6 fish per trip in December, the bycatch of swordfish was estimated to be 64 mt. Under a bycatch limit of 5 fish per trip during the proposed closure, NMFS estimates that 50 mt could be landed during the two month closure, leaving 63 mt available for the directed fishery during April. At the rate of landings which occurred during April 1996 (43 mt per week), 63 mt would allow 11 days of directed fishing prior to the closure. Thus, NMFS estimates that the directed quota for swordfish will be taken on or before April 12, 1997.

Therefore, NMFS announces that the directed fishery for swordfish is closed at 12 noon on April 12, 1997. All vessels must be in port with their swordfish offloaded on or before this closing date. This notice provides more than a four week 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 fishery, a person may not fish for swordfish from the North Atlantic stock, and no more than 5 swordfish per vessel per trip may be possessed or landed incidental to longline fishing for other species. As previously stated, no harpoon fishery set-aside has been established for this semi-annual period. Therefore, a person fishing aboard a vessel using or having aboard harpoon gear may not fish for swordfish from the North Atlantic swordfish stock, and no swordfish 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.

Classification

This action is required by 50 CFR 630.24(d) and is exempt from review under E.O. 12866.

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

Dated: March 14, 1997.

Gary C. Matlock,

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

[FR Doc. 97-6979 Filed 3-14-97; 4:49 pm]

BILLING CODE 3510-22-P

50 CFR Part 679

[I.D. 031497A]

Fisheries of the Exclusive Economic Zone Off Alaska; Season Opening

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

ACTION: Notice of fishing season dates.

SUMMARY: NMFS is opening the directed fishery for sablefish with fixed gear managed under the Individual Fishing Quota (IFQ) program. The season will open on 12:00 noon, Alaska local time (A.l.t.), March 15, 1997, and will close 12:00 noon, A.l.t., November 15, 1997. This period runs concurrently with the IFQ season for Pacific halibut announced by the International Pacific Halibut Commission (IPHC).

EFFECTIVE DATE: March 15, 1997, 12:00 noon, A.l.t., through November 15, 1997, 12:00 noon, A.l.t.

FOR FURTHER INFORMATION CONTACT: John Lepore, 907-586-7228.

SUPPLEMENTARY INFORMATION: Beginning in 1995, fishing for Pacific halibut (*Hippoglossus stenolepis*) and sablefish (*Anoplopoma fimbria*) with fixed gear in the IFQ regulatory areas defined in 50 CFR 679.2 has been managed under the IFQ Program. The IFQ Program is a regulatory regime designed to promote the conservation and management of these fisheries and to further the objectives of the Magnuson-Stevens Fishery Conservation and Management Act and the Northern Pacific Halibut Act. Persons holding quota share receive an annual allocation of IFQ. Persons receiving an annual allocation of IFQ are authorized to harvest IFQ species within specified limitations. Further information on the implementation of the IFQ Program, and the rationale supporting it, is contained in the

preamble to the final rule implementing the IFQ Program published in the Federal Register, November 9, 1993 (58 FR 59375) and subsequent amendments.

This announcement is consistent with 50 CFR 679.23(g)(1), which requires that directed fishing for sablefish managed under the IFQ program be specified by the Administrator, Alaska Region, NMFS (Regional Administrator), and announced by publication in the Federal Register. This method of season announcement was selected to facilitate coordination between the sablefish season, chosen by the Regional Administrator, and the halibut season, chosen by the IPHC. The directed fishing season for sablefish with fixed gear managed under the IFQ program will open on 12:00 noon, A.l.t., March 15, 1997, and will close 12:00 noon, A.l.t., November 15, 1997. This period runs concurrently with the IFQ season for Pacific halibut announced by the IPHC. The IFQ halibut season was announced by publication in the Federal Register, March 18, 1997.

Classification

This action is taken under § 679.23(g)(1) and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 773 *et seq.* and 1801 *et seq.*

Dated: March 14, 1997.

Bruce Morehead,

Acting Director, Office of Sustainable Fisheries

National Marine Fisheries Service.

[FR Doc. 97-6965 Filed 3-14-97; 4:34 pm]

BILLING CODE 3510-22-F

50 CFR Part 679

[Docket No. 961107312-7012-02; I.D. 031297A]

Fisheries of the Exclusive Economic Zone Off Alaska; Offshore Component Pollock in the Aleutian Islands Subarea

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

ACTION: Modification of a closure.

SUMMARY: NMFS is opening directed fishing for pollock by vessels catching pollock for processing by the offshore component in the Aleutian Islands subarea (AI) of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to fully utilize the total allowable catch (TAC) of pollock in that area.