requirements on the assumption that they will be applied to BOC provision of interLATA services to the customers of its affiliated cellular companies. Vanguard argues that the interest that a BOC has in its cellular operations increases the incentives to engage in anticompetitive conduct because such conduct can benefit both its long distance operations and its cellular operations. Comptel urges the Commission to apply to all incidental interLATA services the same rules applied to out-of-region interexchange services because they raise the same concerns about discrimination and cross-subsidization.

44. BellSouth's interpretation of our reference to CMRS in footnote two of the *BOC Out-of-Region NPRM* is correct. Our statement in the *BOC Out-of-Region NPRM* was intended to clarify that a BOC offering out-of-region long distance service to unaffiliated CMRS customers on a stand alone basis would be considered ''out-of-region'' services for purposes of this rulemaking. BOC provision of interexchange services to its affiliated CMRS customers is beyond the scope of this proceeding. We also reject as beyond the scope of this proceeding Comptel's request to apply the separation requirements to all ''incidental'' services established under section 272(g).

B. Definition of Certain Services as In-Region Services

45. Section 271(j) provides that certain calls that originate out-of-region will be deemed in-region traffic. Specifically, this section provides that ''a [BOC] application to provide 800 service, private line service, or their equivalents that terminate in an in-region State of that [BOC], and allow the called party to determine the interLATA carrier, shall be considered an in-region service subject to the requirements of subsection (b)(1).''

46. Comptel argues that the Commission should declare collect and third party billed calls to numbers terminating in the BOC's region and BOC calling card calls to in-region numbers as ''equivalent'' services and thus be deemed in-region services. Comptel's rationale is that, like 800 number and private line services, the party paying for the call selects the interLATA carrier and thus is subject to the BOCs' local power. Comptel states that the Commission should therefore prohibit the BOC out-of-region affiliate from completing collect calls, third-party billed calls, or BOC calling card calls to terminating numbers located within the BOC's region. Ameritech opposes Comptel's interpretation, and asserts that calling card, collect and third party calls that are placed from out-of-region do not fall within 271(j) because the calling party, not the called party, determines the long distance carrier. Ameritech states that the calling party decides whether to complete the call on a 0+ basis or use access codes, and if access codes are used, the calling party decides which carrier to use.

47. The key factor in determining whether a service falls within the scope of section 271(j) as ''equivalent'' to 800 or private line service is whether the *called* party determines the interLATA carrier that is used. As Ameritech notes, calling card, collect and third party billed calls that originate out-of-region and terminate in-region do not fall within the scope of section 271(j) because it is the *calling* party, not the called party, that determines the interLATA carrier. Because the called party does not determine the interLATA carrier that is used, there is no justification for treating such calls as in-region services. Thus, we reject Comptel's proposal that we add calling card, collect and third party calls to those services classified as ''in-region'' under section 271(j).

V. Procedural Issues

A. Regulatory Flexibility Act Analysis

48. We certify that the Regulatory Flexibility Act is not applicable to the interim rules we are adopting in this proceeding. These interim rules will not result in a significant economic impact on a substantial number of small business entities, as defined by Section 601(3) of the Regulatory Flexibility Act. Entities subject to the rule changes are generally large corporations, affiliates of large corporations, or are dominant in their fields of operation, and, thus, are not ''small entities'' as defined by the Act. *See* 15 U.S.C. § 632(a)(1). We are nevertheless committed to reducing the regulatory burdens on small communications services companies whenever possible, consistent with our other public interest responsibilities. The Secretary shall send a copy of this Report and Order to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. §§ 601, *et seq.* (1981).

B. Paperwork Reduction Act

49. The recordkeeping requirements in this item are contingent upon approval of the Office of Management and Budget.

VI. Ordering Clause

50. Accordingly, *it is ordered* that, pursuant to Sections 1, 4, 201–205, 215, 218, 220, and 271 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154, 201–205, 215, 218 and 220, the REPORT AND ORDER is hereby ADOPTED. The requirements adopted in this Report and Order shall be effective 30 days after publication in the Federal Register.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–17404 Filed 7–8–96; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 630

[I.D. 062796B]

Atlantic Swordfish Fishery; Drift Gillnet Closure

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

ACTION: Closure.

SUMMARY: NMFS closes the drift gillnet fishery for swordfish in the Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea. NMFS has determined that the adjusted second semiannual subquota for swordfish that may be harvested by drift gillnet will be reached on or before July 17, 1996. This closure is necessary to prevent exceeding the quota of swordfish caught by drift gillnet vessels.

EFFECTIVE DATE: 2330 hours, local time, July 17, 1996, through 2400 hours, local time, November 30, 1996.

FOR FURTHER INFORMATION CONTACT: Ronald G. Rinaldo, 301-713- 2347.

SUPPLEMENTARY INFORMATION: The Atlantic swordfish fishery is managed under the authority of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) and the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*).

The implementing regulations at 50 CFR 630.24(b)(3)(ii) establish a quota of swordfish that may be harvested by drift gillnet during the period July 1 through November 30, each year. Under 50 CFR 630.25(a), NMFS is required to close the drift gillnet fishery for swordfish when its quota is reached, or is projected to be reached, by filing a closure

announcement with the Office of the Federal Register at least 14 days before the closure is to become effective.

The 1996 swordfish Total Allowable Catch (TAC) allows for an Atlantic swordfish drift gillnet subquota of 22.5 mt dressed weight (49,603.5 lb) for the January 1 to June 30 period, and a subquota of 23.45 mt dressed weight (51,697.8 lb) for the July 1 to November 30 period. Our estimates indicate that only approximately 18,000 lb (8.164 mt) was caught during the first period subquota. The remaining portion of the first period subquota will be rolled over to the second period, for an adjusted second period subquota of 37.785 mt dressed weight, or 83,301.3 lb.

Based on the current level of swordfish catch by drift gillnets and historic data on catch per set for July, NMFS has determined that the drift gillnet quota for the July 1 through November 30 period will be reached on or before July 17, 1996. Hence, the drift gillnet fishery for Atlantic swordfish is closed effective 2330 hours, local time, July 17, 1996, through 2400 hours, local time, November 30, 1996.

During this closure of the drift gillnet fishery: 1) no one aboard a vessel using or having onboard a drift gillnet may fish for swordfish from the North Atlantic swordfish stock; 2) no more than two swordfish per trip may be possessed on board vessel using or having onboard a drift gill net in the North Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea, north of 5° N. lat., or landed in an Atlantic, Gulf of Mexico, or Caribbean coastal state.

Classification

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

Dated: July 2, 1995.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 96–17350 Filed 7–03–96; 11:47 am]

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