

case will the period exceed that of the special event, or 15 days, whichever occurs first.

(iv) A list from the person making the request of one-by-one format call signs, in order of preference.

(2) The first assignable call sign from the list will be indicated on the request, that call sign will be stamped GRANTED, and a copy of the list showing the call sign granted will be returned to the person making the request. The call sign will be selected from those call signs assignable at the time the request is processed by the FCC.

5. Section 97.119(c) is revised to read as follows:

**§ 97.119 Station identification.**

\* \* \* \* \*

(c) One or more indicators may be included with the call sign. Each indicator must be separated from the call sign by the slant mark (/) or by any suitable word that denotes the slant mark. If an indicator is self-assigned, it must be included before, after, or both before and after, the call sign. No self-assigned indicator may conflict with any other indicator specified in this section or with any prefix assigned to another country.

\* \* \* \* \*

6. Section 97.505 is amended by redesignating paragraph (a)(10) as paragraph (a)(11) and adding new paragraph (a)(10) to read as follows:

**§ 97.505 Element credit.**

(a) \* \* \*

(10) An expired FCC-issued amateur operator license: The least elements required for the operator license formerly held. No examination credit will be given if the operator license was suspended for the remainder of the license term, if the operator license was surrendered to avoid enforcement proceedings, or if the operator license expired following revocation of the associated station license. Examination credit, however, will be given if the suspension period of the operator license was subsequently modified to denote a lesser time period.

\* \* \* \* \*

7. Section 97.509(a) is revised to read as follows:

**§ 97.509 Administering VE requirements.**

(a) Each examination element for an amateur operator license must be administered by a least 3 administering VEs at an examination session. There must be VE session manager who is in attendance during the entire session.

\* \* \* \* \*

8. New § 97.515 is added to read as follows:

**§ 97.515 VE session manager requirements.**

(a) The VE session manager must be accredited as a VE by the same VEC that coordinates the examination session.

(b) Before each examination session, the VE session manager must make a public announcement stating the location and the time of the session. The number of examinees may be limited.

(c) The VE session manager is responsible for supervising the activities of the administering VEs and the conduct of the examinees. The VE Manager may serve concurrently as an administering VE.

(d) The VE session manager must maintain a log for the session. The log must include the names of the examinees, the names of the administering VEs, and the examination elements administered by each VE.

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regulations as having an escape opening large enough to exclude leatherback turtles. This proposed rule is necessary to reduce mortality of endangered leatherback sea turtles incidentally captured in shrimp trawls.

**DATES:** Comments on this rule must be submitted by June 12, 1995.

**ADDRESSES:** Requests for a copy of the environmental assessment (EA) or the contingency plan, and comments on this proposed rule should be addressed to the Chief, Endangered Species Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Comments on the collection-of-information requirement subject to the Paperwork Reduction Act (PRA) should be directed to the Chief, Endangered Species Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C. 20503, Attention: Desk Officer for NOAA.

**FOR FURTHER INFORMATION CONTACT:** Charles A. Oravetz, (813) 570-5312, or Russell J. Bellmer, (301) 713-1401.

**SUPPLEMENTARY INFORMATION:**

**Background**

All sea turtles that occur in U.S. waters are listed as either endangered or threatened under the Endangered Species Act (ESA) of 1973. The Kemp's ridley (*Lepidochelys kempii*), leatherback (*Dermochelys coriacea*), and hawksbill (*Eretmochelys imbricata*) are listed as endangered. Loggerhead (*Caretta caretta*) and green (*Chelonia mydas*) turtles are listed as threatened, except for breeding populations of green turtles in Florida and on the Pacific coast of Mexico, which are listed as endangered. The incidental take and mortality of these species, as a result of fishing activities, have been documented in the Gulf of Mexico and along the Atlantic seaboard.

Under the ESA and its implementing regulations, it is prohibited to take sea turtles. The incidental taking of turtles during shrimp fishing in the Atlantic Ocean off the coast of the southeastern United States and in the Gulf of Mexico is excepted from the taking prohibition pursuant to sea turtle conservation regulations at 50 CFR 227.72, which include a requirement that shrimp trawlers have a NMFS-approved TED installed in each net rigged for fishing throughout the year. The use of TEDs significantly reduces mortalities of loggerhead, green, Kemp's ridley, and hawksbill sea turtles. Because leatherback turtles are larger than the

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Parts 217, 222, and 227**

[Docket No. 950427117-5118-02;  
I.D.042095B]

RIN 0648-AH97

**Sea Turtle Conservation; Restrictions Applicable to Shrimp Trawl Activities; Leatherback Conservation Zone**

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes to adopt as final the interim rule published elsewhere in this issue which establishes all inshore and offshore waters from Cape Canaveral, FL (28°24'46" N. lat.) to the North Carolina-Virginia border (36°30'5" N. lat.) as the leatherback conservation zone and provides for short-term closures of areas in that zone when high abundance levels of leatherback turtles are documented. Upon such documentation, NMFS would prohibit, in the closed areas, fishing by any shrimp trawler required to have a turtle excluder device (TED) installed in each net that is rigged for fishing, unless the TED installed is specified in the

escape openings of most NMFS-approved TEDs, use of these TEDs is not an effective means of protecting leatherback turtles.

As a result of their primarily pelagic existence, leatherbacks normally occur outside of areas where they would be subject to taking by shrimp trawlers. During most months of the year, leatherbacks are not abundant in shrimping areas, and only isolated incidents of taking by trawlers occur. However, the coastal waters of northern Florida, Georgia, South Carolina, and North Carolina experience relatively high abundance levels of leatherbacks as a periodic winter and spring phenomenon. When leatherback abundance is high and shrimp trawlers are fishing, leatherback stranding pulses have been documented on adjacent beaches. A NMFS Biological Opinion prepared for a revision to the sea turtle conservation regulations, published in the **Federal Register** on December 4, 1992, (57 FR 57348), specifically addressed episodic stranding events from Florida through North Carolina, and required NMFS to develop and implement a contingency plan to solve this problem.

A contingency plan for protection of leatherback turtles on the Atlantic seaboard that can be implemented, if necessary, was prepared in cooperation with State officials from Florida, Georgia, and South Carolina. The necessity for implementation of protective measures for leatherback turtles is expected to be on an annual basis but only for short periods of time in relatively small, specific areas at any one time. The plan considers several options to provide protection, and any or all of them may be implemented, if necessary. These options include: Closure of areas to all fishing, use of restricted tow times in lieu of TEDs, mandatory observers, and use of NMFS-approved TEDs with escape openings large enough to exclude leatherback turtles.

Aerial surveys have been conducted for sea turtles off the Florida and Georgia coasts since 1988 and off the coast of South Carolina since 1993. Beginning in December or January each year, concentrations of leatherback turtles occur in northeastern Florida waters. During the month of March, leatherbacks begin moving north and usually enter Georgia waters in late March or early April. Peak concentrations occur in Georgia waters during April and May and by mid-June the concentrations have left Georgia. Leatherback concentrations occur in waters off South Carolina from late

April generally through the first part of June.

Shrimping occurs year round in northeastern Florida waters, but the activity levels during any given month may vary from year to year. Shrimp fishing is closed in the State waters of Georgia until June 1 of each year, but shrimping begins in Federal waters off Georgia generally in April or early May. The State of South Carolina opens its waters to shrimping between May 15 and June 30, depending upon the presence of shrimp. Shrimping in Federal waters off South Carolina generally begins in early May. Based upon leatherback turtle concentration information and normal shrimp fishing activities, the most likely period for shrimp vessel interactions with leatherbacks in the leatherback conservation zone is January through June each year.

Each spring for the last 2 years, NMFS has issued temporary 30-day restrictions establishing a leatherback conservation zone (58 FR 28790, May 17, 1993; 59 FR 23169, May 5, 1994; 59 FR 29545, June 8, 1994). The only comment received in response to those rules is addressed below:

*Comment:* A mechanism for imposing immediate, short-term gear modifications, closures, and observer requirements in areas of potential high conflict between commercial fisheries and endangered species should be implemented on a systematic basis as part of NMFS fisheries management and protected species programs. A permanent solution should be adopted.

*Response:* NMFS agrees. Accordingly, NMFS is proposing the permanent establishment of the leatherback conservation zone and a procedure for imposing short-term restrictions based on specified criteria. However elsewhere in this **Federal Register** volume, an interim rule is being promulgated to address the immediate need to protect leatherbacks this season, and will be superseded upon promulgation of a final rule as a result of comments received upon this rule.

#### Proposed Rule

This rule would establish a framework whereby short-term closures may be instituted on an expedited basis in order to protect leatherbacks. Specifically, the rule would establish all inshore and offshore waters of the Atlantic area from Cape Canaveral, FL (28°24.6' N lat.), to the North Carolina-Virginia border (36°30.5' N lat.) as the "leatherback conservation zone."

During the months of January through June, NMFS would conduct weekly aerial surveys of the leatherback

conservation zone. If sightings of leatherback turtles during such surveys exceed 10 animals per 50 nautical miles (nm) (92.6 km) of trackline, the survey would be replicated within 24 hours, or as soon as practicable thereafter, to ensure that leatherback turtle presence is persistent in the area. If surveys demonstrate the continued presence of large concentrations of leatherbacks, NMFS would prohibit shrimp fishing in these specific areas by any shrimp trawler required to have a NMFS-approved TED installed in each net rigged for fishing, unless the TED installed is one of the NMFS-approved TEDs described below. Those TEDs have been determined to have escape openings large enough to exclude leatherbacks. In addition, owners and operators of vessels operating in closed areas with an allowed TED, as described below, would be required to register with the Director, Southeast Region, NMFS (Regional Director) in accordance with 50 CFR 227.72(e)(6)(iv) (A) through (F). Upon written request by the Regional Director, they would be required to carry a NMFS-approved observer aboard such vessel(s). A shrimp trawler in the leatherback conservation zone would be required to comply with the terms and conditions specified in such written request, as well as provide information on trawling hours, gear modifications and turtle captures.

Notice of specific area closures would be published in the **Federal Register** and would be effective upon filing of such notice for public inspection at the Office of the Federal Register. Closures would be announced immediately on the NOAA weather channel, in newspapers, and other media. Areas with high leatherback abundance, as documented by the aerial surveys, would be closed for a period of 2 weeks. A closed area would include all, or a portion of, inshore and offshore waters 10 nm (18.5 km) seaward of the COLREGS demarcation line, bounded by 1° lat. coinciding with the trackline. Shrimp trawlers in the leatherback conservation zone would be responsible for monitoring the NOAA weather channel for closure announcements. Shrimp trawlers may also call (813) 570-5312 for updated area closure information.

#### NMFS-Approved TEDs With Escape Openings Large Enough for Leatherback Sea Turtles

NMFS has approved modifications to the Taylor and the Morrison TEDs, as well as a modification to the single-grid hard TED, that will allow leatherback turtles to escape the trawl. Descriptions

of the Taylor and Morrison TED modifications are found at 50 CFR 227.72(e)(4)(iii)(E), and the modified single-grid hard TED is described at 50 CFR 227.72(e)(4)(i)(G)(2)(ii).

### Classification

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

This proposed rule would establish a registration program that contains a collection-of-information requirement subject to the PRA, namely, registration by vessels fishing in the leatherback conservation zone from Cape Canaveral, FL, to the Virginia-North Carolina border. This collection has been approved by OMB under control number 0648-0267. The public reporting burden for this collection of information is estimated to average 7 minutes per response, including the time needed for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be sent to NMFS and OMB (see **ADDRESSES**).

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule would not have significant economic impact on a substantial number of small entities because closures would occur for only short periods of time in relatively small, specific areas where leatherback abundance is determined to be high, while the rest of the leatherback conservation zone would remain open. Further, TEDs modified to allow the escape of leatherbacks can be made at minimal cost.

The Assistant Administrator for Fisheries, NOAA, (AA) prepared an EA for the interim rule published elsewhere in this **Federal Register** volume and concluded that, with specified mitigation measures, that action will have no significant impact on the human environment. The AA has determined that the EA prepared for the interim rule is applicable to this proposed rule.

The provisions of this proposed rule will have already been in effect pursuant to an interim rule issued by NMFS elsewhere in this **Federal Register** volume.

Dated: May 5, 1995

**Gary Matlock,**  
Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, the interim rule amending 50 CFR parts 217, 222, and 227, published elsewhere in this issue, is proposed to be adopted as final.

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### 50 CFR Part 285

[Docket No. 950426116-5116-01; I.D. 040495D]

RIN 0648-AH76

#### Atlantic Tuna Fisheries; Quotas and Permit Requirements

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

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

**SUMMARY:** NMFS proposes amendments to the regulations governing the Atlantic tuna fisheries to: Set Atlantic bluefin tuna (ABT) fishing category quotas for the 1995 fishing year; control fishing effort in the ABT General category; limit entry in the ABT Harpoon Boat category; extend vessel and dealer permitting and reporting requirements to all Atlantic tunas fisheries; adjust angler bag limits; establish transferable vessel allocations and a total quota in the purse seine fishery for yellowfin tuna, and make technical changes to facilitate enforcement and improve management efficiency.

The proposed regulatory amendments would address allocation issues in the ABT General and Harpoon Boat categories, and simplify rules applicable to recreational fishing for tunas. The permitting and reporting provisions would enhance data collection and enforcement of catch restrictions in the Atlantic tuna fisheries and enable the United States to collect fishery information needed by the International Commission for the Conservation of Atlantic Tunas (ICCAT) to produce stock assessments. These actions are necessary to begin implementation of the 1993 recommendation of ICCAT regarding fishing effort on yellowfin tuna, and to implement the 1994 recommendation of ICCAT regarding fishing quotas for bluefin tuna, as required by the Atlantic Tunas Convention Act (ATCA). NMFS will hold public hearings to receive comments from fishery participants and

other members of the public regarding these proposed amendments.

**DATES:** Comments are invited and must be received by June 8, 1995. See **SUPPLEMENTARY INFORMATION** for dates, times, and locations of the public hearings.

**ADDRESSES:** Comments on the proposed rule should be sent to, and copies of supporting documents, including a Supplemental Draft Environmental Impact Statement (SDEIS) and Regulatory Impact Review/Initial Regulatory Flexibility Analysis (RIR/IRFA), are available from, Richard B. Stone, Chief, Highly Migratory Species Management Division, Office of Fisheries Conservation and Management (F/CM), NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3282. Information copies of proposed permit applications and reporting forms may be obtained from NMFS at the above address, NMFS, Northeast Region, Fisheries Management Division, 1 Blackburn Drive, Gloucester, MA 01930-2298, or NMFS, Southeast Region, Fisheries Management Division, 9721 Executive Center Drive, St. Petersburg, FL 33702-2432. Comments regarding the burden-hour estimate or any other aspect of the collection-of-information requirements contained in this rule should be sent to Richard B. Stone and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 (Attn: NOAA Desk Officer). See **SUPPLEMENTARY INFORMATION** for the public hearing locations.

**FOR FURTHER INFORMATION CONTACT:** Christopher W. Rogers, 301-713-2347; or Kevin B. Foster, 508-281-9260.

**SUPPLEMENTARY INFORMATION:** The Atlantic tuna fisheries are managed under regulations at 50 CFR part 285 issued under the authority of the ATCA. The ATCA authorizes the Secretary of Commerce (Secretary) to implement regulations as may be necessary to carry out the recommendations of ICCAT. The authority to implement ICCAT recommendations has been delegated from the Secretary to the Assistant Administrator for Fisheries, NOAA (AA).

#### Purpose

**Bluefin Tuna:** Based on a revised stock assessment, parties to the 1994 meeting of ICCAT adopted a recommendation to increase the annual quota of ABT in the western Atlantic Ocean from 1,995 metric tons (mt) to 2,200 mt. The share allocated to the United States was set at 1,311 mt with the provision that unused quota from 1994 be carried over or overharvest be