

05 to make the Ohio program as effective as the corresponding Federal regulations concerning financial interest statements, appeal procedures for remedial actions regarding prohibited financial interests, and yield data for pasture or grazing land.

OSM announced receipt of PA 69 in the October 21, 1994, **Federal Register** (59 FR 53122), and, in the same document, opened the public comment period and providing an opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period closed on November 21, 1994.

OSM and Ohio staff met on February 6, 1995, to discuss OSM's questions and concerns about PA 69 (Administrative Record No. OH-2098). In response to OSM's February 6, 1995, questions and comments, Ohio providing Revised Program Amendment Number 69 (PA 69R) by letter dated March 8, 1995 (Administrative Record No. OH-2099). In PA 69R, Ohio proposed further revisions to one rule at OAC section 1501:13-1-03 concerning the inclusion of hearing officers of the Ohio Reclamation Board of Review under that rule's definition of "employee."

OSM announced receipt of PA 69R in the March 17, 1995, **Federal Register** (60 FR 14401), and, in the same document, opened the public comment period and providing an opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period closed on April 3, 1995.

On April 19, 1995 (Administrative Record No. OH-2114), OSM notified Ohio that OSM had made an error in its February 6, 1995, questions and comments on PA 69 and had omitted one necessary change to OAC 1501:13-1-03 paragraph (L)(1). By letter dated May 3, 1995 (Administrative Record No. OH-2115), Ohio submitted further revisions to this one rule paragraph to delete a separate reference to the Reclamation Board of Review's hearing officers because Ohio is now proposing that those hearing officers be included under the definition of "employee" in this rule.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking comment on whether the amendments proposed by Ohio satisfy the applicable program approval criteria of 30 CFR 732.15. If the amendments are deemed adequate, they will become part of the Ohio program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Columbus Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., E.D.T. on May 19, 1995. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions. The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and who wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment have been heard.

Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Public Meeting

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendments may request a meeting at the Columbus Field Office by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings shall be open to the public and, if possible, notices of the meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each public meeting will be made a part of the Administrative Record.

List of Subjects in 30 CFR Part 935

Intergovernment relations, Surface mining, Underground mining.

Dated: May 5, 1995.

Ronald C. Recker,

Acting Regional Director, Appalachian Regional Coordinating Center.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 97

[WT Docket No. 95-57; FCC 95-173]

Amateur Service Examination Credit, Club Station Eligibility, Volunteer Examiner Manager, Special Event Call Sign System, and Station Identification Self-Assigned Indicator

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to amend the amateur service rules to allow former amateur operators to get amateur service licenses without examination, to increase the minimum number of persons comprising an organization eligible for a club station license, to recognize the role of the volunteer examiner session manager, to establish a special event vanity call sign system, and to provide licensees with greater flexibility when making a station identification announcement. These proposed rule amendments respond to the desires of some members of the amateur community and provide them with the changes requested. The proposals will provide amateur operators with greater flexibility in the operation of their stations and also increase efficiency in the administrative aspects of the service.

DATES: Comments are due on or before July 14, 1995. Reply comments are due on or before August 14, 1995.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Maurice J. DePont, (202) 418-0690.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rule Making* adopted April 25, 1995, and released May 8, 1995. The complete text of this Commission action, including the proposed rule amendments, is available for inspection and copying during normal business hours in the FCC Reference Center (Room 230), 1919 M Street, N.W., Washington, D.C. The complete text of this *Notice of Proposed Rule Making* may also be ordered from the Commission's copy contractor, International Transcription Services,

Inc., 2100 M Street, N.W., Suite 140, Washington, D.C. 20037, telephone (202) 857-3800.

Summary of Notice of Proposed Rule Making

1. The proposed rule changes respond to petitions filed by The American Radio Relay League, Inc. and the National Conference of Volunteer-Examiner Coordinators. They also include proposals made by the Commission on its own motion.

2. Rules changes are proposed that would authorize administering volunteer examiners (VEs) to give examination element credit for any amateur service examination that an applicant had previously passed in obtaining the former license.

3. In addition, we propose to increase the eligibility requirement for an amateur service club station license to four persons. This proposal would assist in ensuring that radio clubs are groups of persons organized in good faith.

4. We also propose to amend the rules to recognize the role of the VE session manager as the person who plans, keeps records, organizes, and supervises the activities of the administering VEs at each amateur service examination session. Examination efficiency is the goal of this proposed rule change.

5. We further propose to establish a special event vanity call sign system. Under such system, a one-by-one call sign could be requested by amateur operators for temporary operation of their stations during events that are of special significance to the amateur service community. The special event vanity call sign could be used for 15 days or for the duration of the event, whichever is less.

6. Our final proposal in this proceeding would allow the use of self-assigned indicators in the station identification. They could be used before, after, or both before and after the assigned call sign. This proposal will provide the amateur service community with greater flexibility when making the station identification.

7. Comments are invited on these proposals.

8. The proposed rules are set forth at the end of this document.

9. This is a non-restricted notice and comment rule making proceeding. Ex parte presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as specified in the Commission's Rules. See generally 47 CFR 1.1202, 1.203, and 1.1206(a).

10. In accordance with Section 605(b) of the Regulatory Flexibility Act of 1980, 5 USC 605(b), the Commission

certifies that the proposed rule amendments will not create a significant economic impact on a substantial number of small business entities because the amateur stations involved would not be authorized to transmit any communications where the station licensee or control operator has a pecuniary interest.

11. The proposal contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980, 44 U.S.C. 3501-3520, and found to contain no new or modified form, information collection and/or record retention requirements, and will not increase or decrease burden hours imposed on the public.

12. This Notice of Proposed Rule Making and the proposed rule amendments are issued under the authority of Sections 4(f)(4)(B) and (i), and 303(a), (l)(1) and (r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(f)(4)(B) and (i), and 303(a), (l)(1) and (r).

13. A copy of this Notice of Proposed Rule Making will be forwarded to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 97

Call signs, Club stations, Examinations, Radio, Station identification, Volunteer examiners.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Proposed Rules

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

PART 97—AMATEUR RADIO SERVICE

1. The authority citation for Part 97 continues to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-155, 301-609, unless otherwise noted.

2. In §97.3, paragraph (a)(11)(ii) is redesignated as paragraph (a)(11)(iii), and new paragraphs (a)(11)(ii) and (a)(47) are added to read as follows:

§97.3 Definitions.

* * * * *

(a) * * *

(11) * * *

(i) * * *

(ii) Special event call sign system. The call sign is selected by the FCC from a list of call signs requested by the licensee. The call sign is shown on the request. It is temporarily substituted for the call sign shown on the license while

the station is transmitting in conjunction with an event of special significance to the amateur service community.

* * * * *

(47) VE session manager. The VE designated by the administering VEs to plan, organize, keep records, and directly supervise the activities of other VEs at a session where examinations for amateur operator licenses are administered.

* * * * *

3. Section 97.5(b)(2) is revised to read as follows:

§97.5 Station license required.

* * * * *

(b) * * *

(2) A club station license. A club station license is granted only to the person who is the license trustee designated by an officer of the club. The trustee must be a person who has been granted an Amateur Extra, Advanced, General, Technician Plus, or Technician operator license. The club must be composed of at least four persons and must have a name, a document of organization, management, and a primary purpose devoted to amateur service activities consistent with this Part. The club station license document is printed on FCC Form 660.

* * * * *

4. In §97.19, the heading and paragraph (a) are revised and new paragraph (e) is added to read as follows:

§97.19 Application for a vanity call sign or a special event station call sign.

(a) A person who has been granted an operator/primary station license or a license trustee who has been granted a club station license is eligible to make application for modification of the license, or the renewal thereof, to show a call sign selected by the vanity call sign system or the special event station call sign system. RACES and military recreation stations are not eligible for a vanity call sign or a special event station call sign.

* * * * *

(e) Each request for a special event station call sign must be received at the FCC, 1270 Fairfield Road, Gettysburg, PA 17325-7245 at least 120 days prior to the special event.

(1) The request must include:

(i) The licensee's name, address, and primary station call sign.

(ii) A signed statement indicating the nature of the event and certifying that it is of special significance to the amateur service community.

(iii) The time period during which the special event station will operate. In no

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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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°24.6' 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

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