

paragraph (a)(3) is removed, and paragraph (a)(2) is revised to read as follows:

§ 493.45 Requirements for a registration certificate.

* * * * *

(a) A registration certificate is required—

* * * * *

(2) For all laboratories that have been issued a certificate of waiver or certificate for PPM procedures that intend to perform tests of moderate or high complexity, or both, in addition to those tests approved by PHS as waived under § 493.7 or specified as PPM procedures.

* * * * *

12. In § 493.47, paragraph (a) is revised to read as follows:

§ 493.47 Requirements for a certificate for provider-performed microscopy (PPM) procedures.

(a) A certificate for PPM procedures is required—

(1) Initially for all laboratories performing test procedures specified as PPM procedures; and

(2) For all certificate of waiver laboratories that intend to perform only test procedures specified as PPM procedures in addition to those tests approved by PHS as waived under § 493.7.

* * * * *

13. In § 493.49, the introductory text of paragraphs (b) and (b)(2) are republished and the introductory text of the section and paragraph (b)(2)(iv) are revised to read as follows:

§ 493.49 Requirements for a certificate of compliance.

A certificate of compliance may include any combination of tests categorized as high complexity or moderate complexity or approved by PHS as waived under § 493.7. Moderate complexity tests may include those specified as PPM procedures.

* * * * *

(b) Laboratories issued a certificate of compliance—

* * * * *

(2) Must permit announced or unannounced inspections by HHS in accordance with subpart Q of this part—

* * * * *

(iv) To collect information regarding the appropriateness of tests approved by PHS as waived under § 493.7 or tests categorized as moderate complexity (including the subcategory) or high complexity.

* * * * *

14. In § 493.53, the introductory text is republished and paragraph (a) is revised to read as follows:

§ 493.53 Notification requirements for laboratories issued a certificate for provider-performed microscopy (PPM) procedures.

Laboratories issued a certificate for PPM procedures must notify HHS or its designee—

(a) Before performing and reporting results for any test of moderate or high complexity, or both, in addition to tests specified as PPM procedures or any test or examination that is not approved by PHS as waived under § 493.7 for which it does not have a registration certificate as required in subpart C or subpart D, as applicable, of this part; and

* * * * *

15. In § 493.1775, the introductory text of paragraphs (b) and (b)(4) is republished and paragraph (b)(4)(iv) is redesignated as (b)(4)(v), a new (b)(4)(iv) is added, and paragraphs (b)(4)(iii) and (c) are revised to read as follows:

§ 493.1775 Condition: Inspection of laboratories issued a certificate of waiver.

* * * * *

(b) The laboratory may be required, as part of this inspection, to—

* * * * *

(4) Permit HHS or its designee upon request to review all information and data necessary to—

* * * * *

(iii) Determine whether the laboratory is performing tests not approved by PHS as waived under § 493.7;

(iv) Determine whether the laboratory is performing the test in accordance with the manufacturer's or producer's instructions; and

* * * * *

(c) The laboratory must provide upon reasonable request all information and data needed by HHS or its designee to make a determination of compliance with the requirements of part 493. Requirements for the purposes of this section are located in subparts A and B or subpart D, if applicable, of this part.

* * * * *

Authority: Sec. 353 of the Public Health Service Act (42 U.S.C. 263a).

Dated: May 18, 1995.

Philip R. Lee,
Assistant Secretary for Health.

Bruce C. Vladeck,
Administrator, Health Care Financing Administration.

Dated: June 2, 1995.

Donna E. Shalala,
Secretary.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 80

[WT Docket No. 95-132; FCC 95-352]

Designate Sault Ste. Marie, Michigan; San Francisco, California, and Morgan City, Louisiana as a Radio Protection Area for Mandatory Vessel Traffic Services (VTS)

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has proposed rules to add Sault Ste. Marie, Michigan; San Francisco, California, and Morgan City, Louisiana to the United States Coast Guard (Coast Guard) designated radio protection areas for mandatory VTS and establish marine VHF Channel 12 as the VTS frequency for Sault Ste. Marie, Michigan; San Francisco, California; and Channel 11 as the VTS frequency for Morgan City, Louisiana. This action is in response to a request from the Coast Guard. The designation of Sault Ste. Marie, Michigan; San Francisco, California; and Morgan City, Louisiana as a VTS areas will allow the Coast Guard to manage vessel traffic in a more efficient manner.

DATES: Comments must be submitted on or before October 23, 1995; Reply comments on or before November 7, 1995.

FOR FURTHER INFORMATION CONTACT: James Shaffer, (202) 418-0680, Wireless Telecommunications Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rule Making* FCC 95-352, adopted August 9, 1995, and released August 30, 1995. The full text of this *Notice of Proposed Rule Making* is available for inspection and copying during normal business hours in the FCC Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, Suite 140, Washington, D.C. 20037, telephone (202) 857-3800.

Summary of Notice of Proposed Rule Making

1. The Coast Guard filed a petition (RM-8500, 8592, 8598), Public Notice No. 2023 and 2057, requesting that the Commission amend Part 80 of the Rules, 47 CFR Part 80, to add Sault Ste. Marie, Michigan; San Francisco, California; and Morgan City, Louisiana to the Coast

Guard designated radio protection areas for mandatory VTS and established marine VHF Channel 12 as the VTS frequency for Sault Ste. Marie, Michigan; San Francisco, California; and Channel 11 as the VTS frequency for Morgan City, Louisiana.

2. Under the Ports and Waterways Safety Act of 1972, as amended by the Port and Tanker Safety Act of 1978 and the Oil Pollution Act of 1990, the Coast Guard may construct, operate, maintain, improve or expand VTS systems in any port or place under the jurisdiction of the United States, including the navigable waters of the United States, or in any covered by an international agreement negotiated pursuant to 33 U.S.C. § 1230. The Ports and Waterways Safety Act requires certain designated vessels which operate in a VTS area to utilize and comply with the VTS. Marine accidents in recent years have underscored the need for improving safety on the nation's waterways. Moreover, Congress mandated VTS participation in section 4107 of the Oil Pollution Act, 33 U.S.C. § 1223(a)(2). The Coast Guard has amended its VTS regulations to make participation in all VTS systems mandatory. A VTS system instills order and predictability on a waterway by coordinating vessel movements through the collection, verification, organization, and dissemination of information.

3. Designating Sault Ste. Marie and Berwick Bay as VTS areas will allow the Coast Guard to manage vessel traffic in those areas more efficiently and will help protect the marine environment by preventing vessel collisions and groundings. We propose, therefore, to add Sault Ste. Marie and Berwick Bay to the Commission's list of designated radio protection area for VTS systems specified in Section 80.383. The radio protection area for Sault Ste. Marie will be defined as "The rectangle between North latitudes 45 degrees and 47 degrees, and West longitudes 83 degrees and 85 degrees." The radio protection area for Berwick Bay will be defined as "The rectangle between North latitudes 28 degrees 30 minutes and 30 degrees 30 minutes, and West longitudes 90 degrees 50 minutes and 92 degrees." This area is part of the New Orleans VTS which discontinued operations on July 30, 1988, due to budgetary constraints.

4. We propose to designate Channel 12 (156.600 MHz) as a second radio frequency for use within the San Francisco VTS radio protection area. The density of vessel traffic in the San Francisco Bay, which includes numerous recreational boats, ferries and commercial fishing boats, severely

constrains the ability of large vessels to maneuver in the event of an emergency. The Coast Guard states that with mandatory participation, the current VTS channel, Channel 14 (156.700 MHz), will be inadequate to ensure safe and reliable communications in this busy and environmentally sensitive area. The addition of Channel 12 will permit increased navigational safety in the area by organizing traffic flow patterns, reduced meeting, crossing and overtaking situations between large vessels in tight spaces, and limited vessel speed. We propose to permit private coast stations currently authorized on Channel 12 within the proposed San Francisco VTS area to operate until the end of their current license term on a noninterference basis.¹ The staff will help affected licensees find suitable alternative channels. No fee will be charged for affected stations that apply for modification for an alternative channel before their next renewal.

5. We propose to amend Section 0.331 to authorize the Chief, Wireless Telecommunications Bureau to amend the maritime service rules at the request of the United States Coast Guard to designate radio protection areas for mandatory VTS and establish marine channels as VTS frequencies for these areas. This will allow the Commission to expedite these requests, which will increase safe vessel transit and protect U.S. waters and associated natural resources from environmental harm.

6. We certify that the Regulatory Flexibility Act of 1980 does not apply to this rule making proceeding because if the proposed rule amendments are promulgated, there will not be a significant economic impact on a substantial number of small business entities, as defined by Section 601(3) of the Regulatory Flexibility Act. The change proposed herein will have a beneficial effect on the marine community by allowing the Coast Guard to manage vessel traffic in the Prince William Sound area in a more efficient manner. The Secretary shall send a copy of this Notice of Proposed Rule Making, including the certification, to the Chief Counsel for Proposed Rule Making, including the certification, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 605(b) of the Regulatory Flexibility Act. Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. §§ 601-612 (1980).

¹ There currently are six licensed private coast stations within the proposed designated radio protected area that would be affected by this proposal.

List of Subjects in 47 CFR Part 80

Communications equipment, Marine safety.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 227

[Docket No.9508830222-5222-01; I.D. 062795B]

RIN 0648-AH89

Sea Turtle Conservation; Restrictions Applicable to Shrimp Trawling Activities

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

ACTION: Advance notice of proposed rulemaking (ANPR); notice of receipt of petition for rulemaking; request for comments.

SUMMARY: NMFS announces that it is considering proposing regulations that would identify special sea turtle management areas in the southeastern Atlantic and Gulf of Mexico and impose additional conservation measures to protect sea turtles in these areas. This ANPR is in response to the need for such measures identified in NMFS' biological opinions on shrimp trawling, as well as NMFS' recent experience and additional information regarding the need to more effectively protect sea turtles from incidental capture and mortality in the shrimp trawl fishery. NMFS also received a petition for rulemaking from the Texas Shrimp Association (TSA) to revise the current sea turtle conservation requirements for the shrimp trawl fishery in the southeastern United States. The petition is based on a report: "Sea Turtle and Shrimp Fishery Interactions—Is a New Management Strategy Needed?" prepared by LGL Ecological Research Associates, Inc., for TSA (LGL Report). NMFS is soliciting public comment on the LGL Report and information on sea turtles and shrimp trawling and the need for identification of certain areas in the southeastern United States that require special management measures, and what those measures should be.

DATES: Written comments will be accepted through November 13, 1995.