

Washington Avenue #207, Santa Fe, NM 87501;

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Field Solicitor, U.S. Department of the Interior, 6201 Federal Building, 125 South State Street, Salt Lake City, UT 84138-1180;

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Regular U.S. Mail: Regional Solicitor, Rocky Mountain Region, U.S. Department of the Interior, P.O. Box 25007 (D-105), Denver Federal Center, Denver, CO 80225;

Other Delivery Services: Regional Solicitor, Rocky Mountain Region, U.S. Department of the Interior, 755 Parfet Street, Suite 151, Lakewood, CO 80215;

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**Subpart L—Special Rules Applicable to Surface Coal Mining Hearings and Appeals**

3. Section 4.1109 is amended by revising paragraph (a) to read as follows:

**§ 4.1109 Service.**

(a)(1) Any party initiating a proceeding in OHA under the Act shall, on the date of filing, simultaneously serve copies of the initiating documents on the officer in the Office of the Solicitor, U.S. Department of the Interior, representing OSMRE in the state in which the mining operation at issue is located, and on any other statutory parties specified under § 4.1105 of this part.

(2) The jurisdictions, addresses, and telephone numbers of the applicable officers of the Office of the Solicitor to be served under paragraph (a)(1) of this section are:

For mining operations in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, Tennessee, Texas, and Virginia: Field Solicitor, U.S. Department of the Interior, 530 S. Gay Street, Room 308, Knoxville, Tennessee 37902; Telephone: (615) 545-4294; FAX: (615) 545-4314.

For mining operations in Maryland, Massachusetts, Michigan, Ohio, Pennsylvania, Rhode Island, and West Virginia: Field Solicitor, U.S. Department of the Interior, Ten Parkway Center, Room 385, Pittsburgh, Pennsylvania 15220; Telephone: (412) 937-4000; FAX: (412) 937-4003.

For mining operations in Colorado, Montana, North Dakota, South Dakota, and Wyoming, including mining operations located in Indian lands within those States: Regular U.S. Mail:

Regional Solicitor, Rocky Mountain Region, U.S. Department of the Interior, P.O. Box 25007 (D-105), Denver Federal Center, Denver, CO 80225; Other Delivery Services: Regional Solicitor, Rocky Mountain Region, U.S. Department of the Interior, 755 Parfet Street, Suite 151, Lakewood, CO 80215; Telephone: (303) 231-5350; FAX: (303) 231-5360.

For mining operations in Arizona, California, and New Mexico, including mining operations located on Indian lands within those States except for the challenge of permitting decisions affecting mining operations located on Indian lands in those states: Regional Solicitor, Southwest Region, U.S. Department of the Interior, 2400 Louisiana Blvd. N.E., Building One, Suite 200, Albuquerque, NM 87110-4316; Telephone: (505) 883-6700; FAX: (505) 883-6711.

For challenge of permitting decisions affecting mining operations located on Indian lands within Arizona, California, and New Mexico: Regular U.S. Mail: Regional Solicitor, Rocky Mountain Region, U.S. Department of the Interior, P.O. Box 25007 (D-105), Denver Federal Center, Denver, CO 80225; Other Delivery Services: Regional Solicitor, Rocky Mountain Region, U.S. Department of the Interior, 755 Parfet Street, Suite 151, Lakewood, CO 80215; Telephone: (303) 231-5350; FAX: (303) 231-5360.

For mining operations in Alaska, Idaho, Oregon, Utah, and Washington, except for the challenge of permitting decisions affecting mining operations in Washington: Field Solicitor, U.S. Department of the Interior, 6201 Federal Building, 125 South State Street, Salt Lake City, UT 84138-1180; Telephone: (801) 524-5677; FAX: (801) 524-4506.

For the challenge of permitting decisions affecting mining operations in Washington: Regular U.S. Mail: Regional Solicitor, Rocky Mountain Region, U.S. Department of the Interior, P.O. Box 25007 (D-105), Denver Federal Center, Denver CO 80225; Other Delivery Services: Regional Solicitor, Rocky Mountain Region, U.S. Department of the Interior, 755 Parfet Street, Suite 151, Lakewood, CO 80215; Telephone: (303) 231-5350; FAX: (303) 231-5360.

(3) Any party or other person who subsequently files any other document with OHA in the proceeding shall simultaneously serve copies of that document on all other parties and persons participating in the proceeding.

\* \* \* \* \*

Dated: November 5, 1995.  
Bonnie R. Cohen,  
*Assistant Secretary—Policy, Management and Budget.*  
[FR Doc. 95-28649 Filed 11-24-95; 8:45 am]  
BILLING CODE 4310-79-M

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 80**

[PR Docket No. 93-133, FCC 95-447]

**Maritime Communications**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission has adopted a *Report and Order* to broaden, update, and clarify general exemptions from the radiotelegraph equipment requirements of the Communications Act for large cargo vessels, and from the radiotelegraph and radio communication requirements of the Communications Act and Safety Convention, respectively, for small passenger vessels. These amendments decrease regulatory burdens on operators of large cargo ships as well as small passenger vessels, while maintaining safety of life at sea.

**EFFECTIVE DATE:** December 27, 1995.

**FOR FURTHER INFORMATION CONTACT:** Roger S. Noel of the Wireless Telecommunications Bureau at (202) 418-0680.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Report and Order*, adopted October 27, 1995, and released November 8, 1995. The full text of this action is available for inspection and copying during normal business hours in the FCC Reference Center, Room 239, 1919 M Street, NW., Washington, DC. The complete text may be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

**Summary of Report and Order**

1. In this action, the Commission made two distinct changes to the rules. First, the Commission broadened the general exemption for large oceangoing cargo vessels (those 1,600 gross tons and over) to permit domestic voyages to Alaska and United States possessions in the Caribbean, within 150 nautical miles of land. Further, the revised exemption includes vessels equipped with Global Maritime Distress and Safety System (GMDSS) radio installations, in lieu of radiotelegraph equipment. Therefore,

this action will eliminate the administrative burdens associated with preparing and processing individual exemption requests for such vessels, without decreasing safety of life at sea. Cargo vessels operating under the general exemption will equip with redundant, state-of-the-art radio communications equipment, rather than manual morse code installations.

2. Second, the Commission also broadened the general exemption from the radio communications requirements of the Communications Act and Safety Convention for small passenger vessels operated on certain domestic voyages, including short international voyages. This includes short international voyages (not more than 20 nautical miles from land or, alternatively, not more than 200 nautical miles between consecutive ports) to: the Bahamas; islands in the Caribbean Sea as far south as Venezuela; Baja California, Mexico; and British Columbia, Canada. Such voyages do not present a greater safety concern than those already authorized under the current general exemption. Thus, this action will eliminate administrative burdens associated with preparing and processing individual exemption requests for such vessels, without decreasing safety of life at sea. The short international voyages authorized under the broadened general exemption keep vessels well within reliable VHF or MF radio range while navigating.

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

4. The rules contained herein have been analyzed with respect to the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., and found to contain no new or modified form, information collection, and/or record keeping, labeling, disclosure, or record retention requirements and will not increase or decrease burden hours imposed on the public.

5. This *Report and Order* is issued under the authority of sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r).

#### Final Regulatory Flexibility Analysis *Need and Purpose of This Action*

This *Report and Order* seeks to broaden, update and clarify the general exemptions found in the Commission's maritime service rules for large oceangoing cargo vessels and small passenger vessels. This action will reduce unnecessary economic and administrative burdens on vessel operators, while maintaining the current

level of access to maritime safety communications.

#### *Summary of the Issues Raised by the Public Comments in Response to the Initial Flexibility Analysis*

There were no comments submitted in response to the Initial Regulatory Flexibility Analysis.

#### *Significant Alternatives Considered*

No significant alternative to this action was contained in the *Notice* or suggested by commenters. The action represents the best means to achieve the regulatory objective of minimizing the regulatory burden on the public.

#### List of Subjects in 47 CFR Part 80

Marine safety, Radio.  
Federal Communications Commission.  
William F. Caton,  
*Acting Secretary.*

#### Final Rules

Title 47 of the Code of Federal Regulations, Part 80, is amended as follows:

#### **PART 80—STATIONS IN THE MARITIME SERVICES**

1. The authority citation for Part 80 continues to read as follows:

Authority: Sections 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply 48 Stat. 1064-1968, 1081-1105, as amended; 47 U.S.C. 151-155, 301-609; 3 UST 3450, 3 UST 4726, 12 UST 2377.

2. Section 80.836 is amended by revising the section heading and paragraphs (a) and (c) to read as follows:

#### **§ 80.836 General exemptions.**

(a) General small passenger vessel exemptions, applicable to certain U.S. passenger vessels of less than 100 gross tons, are contained in subpart S of this part.

\* \* \* \* \*

(c) Prior to February 1, 1999, cargo ships of 1600 gross tons and upward are exempt from the radiotelegraph requirements of Part II of Title II of the Communications Act, if the following criteria (paragraphs (c)(1) and (c)(2) of this section and either paragraph (c)(3) or (c)(4) of this section) are met:

(1) The ship operates on domestic voyages only. For purposes of this paragraph, the term domestic voyages includes ports in Alaska, U.S. possessions in the Caribbean, and along the coasts of the 48 contiguous states, so long as the vessel does not make port at a foreign destination;

(2) The routes of the voyage are never more than 150 nautical miles from the nearest land; and

(3) The ship complies fully with the requirements for the Global Maritime Distress & Safety System (GMDSS) contained in subpart W of this part; or

(4) The ship complies fully with all of the following conditions. The ship must:

(i) Be equipped with a satellite ship earth station providing both voice and telex, which has been type accepted for GMDSS use;

(ii) Be equipped with a VHF and MF radiotelephone installation which complies fully with subpart R of this part and has the additional capability of operating on the HF frequencies listed in § 80.369(b) for distress and safety communications (this capability may be added to the MF radiotelephone installation);

(iii) Be equipped with a narrow-band direct-printing radiotelegraph system with SITOR meeting the requirements of § 80.219;

(iv) Be equipped with at least two VHF transceivers capable of being powered by the reserve power supply (one of the VHF transceivers may be the VHF required by paragraph (b)(4)(ii) of this section);

(v) Be equipped with a Category 1, 406 MHz EPIRB meeting the requirements of § 80.1061;

(vi) Be equipped with a NAVTEX receiver meeting the requirements of § 80.1101(c)(1);

(vii) Be equipped with three two-way VHF radiotelephone apparatus and two radar transponders in accordance with § 80.1095;

(viii) In addition to the main power source, be equipped with an emergency power source which complies with all applicable rules and regulations of the U.S. Coast Guard (the satellite earth station, the narrow-band direct-printing equipment and the 500 kHz autoalarm receiver must be capable of being powered by the main and emergency power sources);

(ix) Be equipped with a 500 kHz autoalarm receiver and a means of recording or decoding any distress signal received for relay to the Coast Guard or a public coast station;

(x) Participate in the AMVER system when on voyages of more than twenty-four hours and have the capability of operating on at least four of the AMVER HF duplex channels;

(xi) Carry at least one licensed operator to operate and maintain all the ship's distress and safety radio communications equipment in accordance with §§ 80.159(c) and 80.169; and

(xii) Maintain a continuous watch on 2182 kHz and 156.8 MHz, in accordance with § 80.305(b), when navigated.

\* \* \* \* \*

3. Section 80.933 is amended by revising the section heading and paragraph (b), redesignating paragraph (c) as paragraph (e), and adding new paragraphs (c) and (d) to read as follows:

**§ 80.933 General small passenger vessel exemptions.**

\* \* \* \* \*

(b) All U.S. passenger vessels of less than 100 gross tons, not subject to the radio provisions of the Safety Convention, are exempt from the radiotelegraph provisions of Part II of Title III of the Communications Act, provided that the vessels are equipped with a radiotelephone installation fully complying with subpart S of this part.

(c) Prior to February 1, 1999, U.S. passenger vessels of less than 100 gross tons are exempt from the radiotelegraph requirements of Part II of Title III of the Communications Act and the MF radiotelephone requirements of this subpart as well as Regulations 7 to 11 of Chapter IV of the Safety Convention if the following criteria are fully met:

- (1) The ship is equipped with a VHF radiotelephone installation meeting the requirements of this subpart;
- (2) While navigating more than three nautical miles from the nearest land, the ship is equipped with:
  - (i) A Category 1, 406 MHz EPIRB meeting the requirements of § 80.1061;
  - (ii) A NAVTEX receiver meeting the requirements of § 80.1101(c)(1); and
  - (iii) Three two-way VHF radiotelephone apparatus and two radar transponders meeting the requirements of § 80.1095.
- (3) The ship remains within communications range of U.S. Coast Guard or public coast stations operating in the band 156–162 MHz;
- (4) The routes of the voyage are never more than 20 nautical miles from the nearest land or, alternatively, not more than 200 nautical miles between two consecutive ports, and are limited to the following domestic and international voyages:
  - (i) In waters contiguous to Hawaii, the Bahama Islands and the islands in the Caribbean Sea, including the Greater Antilles, Lesser Antilles, and the coastal waters of Venezuela between the Mouth of the Orinoco River and the Gulf of Venezuela;
  - (ii) In waters contiguous to the coast of Southern California from Point Conception south to Cape San Lucas, Mexico; the islands of San Miguel, Santa Rosa, Santa Cruz, Anacopa, San Nicolas, Santa Barbara, Santa Catalina,

and San Clemente are considered to be within these waters; and,

(iii) In waters of the Pacific Northwest between Tacoma, Washington and the waters of British Columbia, Canada, as far north as Queen Charlotte Strait, never in the open sea.

(d) Prior to February 1, 1999, U.S. passenger vessels of less than 100 gross tons are exempt from the radiotelegraph requirements of Part II of Title III of the Communications Act, as well as Regulations 7 to 11 of Chapter IV of the Safety Convention, if the following criteria are fully met:

- (1) The ship is equipped in accordance with paragraphs (c)(1) and (c)(2) of this section;
- (2) The ship is equipped with a MF radiotelephone installation meeting the requirements of this subpart;
- (3) The routes of the voyage are never more than 20 nautical miles from the nearest land or, alternatively, not more than 100 nautical miles between two consecutive ports, and are limited to international voyages between Florida and the Bahama Islands.

\* \* \* \* \*

4. Section 80.1065 is amended by revising paragraph (b)(5)(iii) to read as follows:

**§ 80.1065 Applicability.**

\* \* \* \* \*

- (b) \* \* \*
- (5) \* \* \*
- (iii) The requirements of either § 80.836 or § 8.933.

\* \* \* \* \*

[FR Doc. 95-28826 Filed 11-24-95; 8:45 am]

BILLING CODE 6712-01-M

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 630**

[I.D. 111495D]

**Atlantic Swordfish Fishery; Bycatch Limit Adjustment**

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

**ACTION:** Inseason action.

**SUMMARY:** This inseason action adjusts the longline bycatch limit for Atlantic swordfish. Aboard a vessel using or having aboard a longline and not having aboard harpoon gear, no more than six swordfish per trip as bycatch may be possessed in the North Atlantic Ocean to avoid exceeding the total allowable

catch and reducing the potential for discard waste.

**EFFECTIVE DATE:** 0001 hours, local time, December 5, 1995, through 2400 hours, local time, December 31, 1995.

**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 630.25(c)(2)(ii) establish a bycatch of 15 swordfish that may be harvested by longline vessels during the non-directed fishery and provide that the Assistant Administrator for Fisheries, NOAA may modify the bycatch limits based upon the length of the directed fishery closure as well as the estimated catch per vessel in the non-directed fishery.

Considering reported landings to date, projections of total catch based on recent landings data and estimates of bycatch during the directed fishery closure since October 31, 1995, it has been determined that with a 15-fish bycatch limit, the bycatch quota for 1995 will be reached before December 31, 1995. Under 50 CFR 630.25(a)(2), NMFS is required to close the longline bycatch fishery for swordfish when its quota is reached, or is projected to be reached, by filing a document at the Office of the Federal Register at least 14 days before the closure is to become effective. Given the prolonged closure in the directed longline fishery for Atlantic swordfish, a closure of the bycatch fishery would require that all swordfish taken by longliners be discarded.

To avoid a bycatch closure and reduce potential discard waste, the longline fishery bycatch for Atlantic swordfish is reduced to six fish per trip. By reducing the longline bycatch limit to six fish for the month of December, it is projected that it is less likely that the 1995 bycatch quota will be exceeded.

During the bycatch fishery, aboard a vessel using or having aboard a longline and not having aboard harpoon gear, a person may not fish for swordfish from the North Atlantic swordfish stock and no more than six swordfish per trip as bycatch may be possessed 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. This bycatch limit adjustment is effective from 0001 hours December 5, 1995, through 2400 hours December 31, 1995.