

based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do at this time.

DATES: To be considered, comments must be received by September 18, 1995.

ADDRESSES: Written comments should be addressed to: Kimberly Bingham, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365.

Copies of the material submitted by the State of Tennessee may be examined during normal business hours at the following locations:

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30365.

Tennessee Department of Environment and Conservation, Division of Air Pollution Control, 401 Church Street, L & C Annex, 9th Floor, Nashville, Tennessee 37243-1531.

FOR FURTHER INFORMATION CONTACT: Kimberly Bingham, Regulatory Planning and Development Section, Air Programs Branch, Air Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365. The telephone number is (404) 347-3555 extension 4195.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: August 3, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 95-20192 Filed 8-17-95; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 95

[WT Docket No. 95-131; FCC 95-318]

Allow Interactive Video and Data Service (IUDS) Licensees to Eliminate the One-year Construction "Build-out" Requirement

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has proposed rules to allow Interactive Video and Data Service (IUDS) licensees to eliminate the one-year construction "build-out" requirement. This action was initiated on our own motion in response to requests by several IUDS licensees that participated in the IUDS auction. Originally crafted in the context of awarding licenses by lottery, the one-year construction benchmark now appears unnecessary. Licensees have sufficient economic incentives to provide service as quickly as possible; eliminating this one-year benchmark will provide licensees with greater flexibility in making financial, equipment, and other construction-related decisions.

DATES: Comments must be submitted on or before September 20, 1995 and reply comments must be filed on or before October 5, 1995.

ADDRESSES: Federal Communication Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Donna Kinin at (202) 418-0680, Wireless Telecommunications Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rule Making*, WT Docket 95-131, FCC 95-318, adopted July 31, 1995, and released August 14, 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 230, 1919 M Street, NW., Washington, DC. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, telephone (202) 857-3800.

Summary of Notice of Proposed Rule Making

1. In response to requests by several IUDS licensees that were awarded licenses as a result of the IUDS auction, the Commission initiated a rule making to amend part 95 of its Rules, 47 CFR part 95, to eliminate the one-year construction "build-out" requirement. The IUDS service rules, crafted in 1992 in the context of awarding licenses by lottery, were intended to reduce speculation and spectrum warehousing. The Commission believes that the one-year construction benchmark is no longer necessary when licenses are awarded by auction.

2. The Commission proposes to amend § 95.833(a) of its rules to permit IUDS licensees to eliminate the one-year

construction requirement, but not alter the three- and five-year benchmarks. Licensees argue that the IUDS equipment market is in early development and the one-year rule will hinder the industry's technological development. The Commission believes that with auction-awarded licenses, licensees have sufficient economic incentive to provide service as quickly as possible. In addition, it is in the public interest to provide licensees with greater flexibility in making financial, equipment and other construction-related decisions. Finally, leaving the three- and five-year benchmarks in tact, ensures timely service to the public.

3. The Commission seeks specific comments concerning the proposed rule amendment.

Initial Regulatory Flexibility Analysis

Reason for Action

The Commission proposes to amend part 95 of its rules to eliminate the one-year "build-out" construction requirement in the Interactive Video and Data Service (IUDS). Section 95.833(a) was crafted in the context of lotteries, but with auctions, speculation and spectrum warehousing are not issues.

Objectives

This change will provide greater opportunity for IUDS technological development and give licensees greater flexibility in their equipment/business decisions.

Legal Basis

The proposed action is authorized under sections 4(i), 303(r) and 309(j) of the Communications Act, 47 U.S.C. 154(i), 303(r) and 309(j).

Report, Recordkeeping and Other Compliance Requirements

None.

Federal Rules Which Overlap, Duplicate or Conflict With These Rules

None.

Description, Potential Impact, and Small Entities Involved

The proposed rule change would benefit IUDS licensees by allowing more flexibility in their construction decisions, while offering service in the intended time frame. Most IUDS licensees are expected to be small entities.

Any Significant Alternatives Minimizing the Impact on Small Entities Consistent With the Stated Objectives

None.

List of Subjects in 47 CFR Part 95

Interactive Video and Data Service (IUDS), Radio.

Federal Communications Commission.

LaVera F. Marshall,

Acting Secretary.

[FR Doc. 95-20504 Filed 8-17-95; 8:45 am]

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 227**

[I.D. 060195E]

RIN 0648-AH98

Sea Turtle Conservation; Restrictions Applicable to Shrimp Trawling Activities; Additional Turtle Excluder Device Requirements Within Certain Fishery Statistical Zones

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

ACTION: Withdrawal of proposed rule.

SUMMARY: NMFS is withdrawing a proposed rule that would require additional restrictions on shrimp trawlers fishing in waters off Texas. NMFS is withdrawing the rule due to voluntary adoption of gear restrictions, increased law enforcement, and the late re-opening of Texas waters to shrimping.

DATES: This withdrawal of proposed rule is withdrawn on August 18, 1995.

FOR FURTHER INFORMATION CONTACT: Charles A. Oravetz, 813-570-5312, or Phil Williams, 301-713-1401.

SUPPLEMENTARY INFORMATION: The waters off Texas were closed to shrimp fishing on May 15, 1995, for the annual closure which is coordinated by State and Federal fisheries managers to allow shrimp to grow larger and therefore more valuable. The closure period is usually marked by low levels of sea turtle strandings, and during the 8 weeks of the 1995 Texas closure, only 15 sea turtle strandings including 2 Kemp's ridleys were reported on offshore Texas beaches. Due to historical stranding data, however, NMFS anticipated an increase in sea turtle strandings on offshore Texas beaches in the weeks following the re-opening of Texas waters to shrimping. In 1994, 9 dead sea turtles stranded in Texas during the 4 weeks prior to opening, while 99 dead turtles stranded in the 4 weeks following opening. Over

the last 5 years, the stranding data indicate that, on average, an eight-fold increase in sea turtle strandings follows the opening of Texas waters to shrimping.

NMFS therefore issued a proposed rule to implement the gear restrictions identified under the Shrimp Fishery/Emergency Response Plan (60 FR 19885, April 21, 1995) in offshore Texas waters out to 10 nm (18.5 km) for a 30-day period after the opening. The proposed rule was published June 16, 1995 (60 FR 31696), with a 2 week-comment period. Three public hearings were held in Texas (June 19, 20, and 26). Over 100 people attended the public hearings, including 29 that gave public testimony. Written comments were received through July 6, 1995. All but four of the comments received during the comment period were in opposition to the proposed rule.

Taking these comments into account, on July 6, 1995, NMFS decided not to implement a final rule in Texas for three reasons: (1) The apparent willingness of some segments of the industry to voluntarily adopt gear restrictions to reduce sea turtle strandings; (2) the deployment of a special turtle excluder device (TED) law enforcement team and specially trained Coast Guard groups; and (3) the late opening (at least a week later than any opening in the last 5 years) of Texas waters to shrimping, which is anticipated to result in better shrimp catches farther offshore. A news bulletin announcing this decision and asking shrimpers to voluntarily use small try nets and top-opening hard-grid TEDs was widely circulated by NMFS on July 14, 1995.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: August 15, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

[FR Doc. 95-20544 Filed 8-17-95; 8:45 am]

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50 CFR Part 683

[Docket No. 950803202-5202-01; I.D. 070395C]

RIN 0648-AH48

Western Pacific Bottomfish Fisheries; Enforcement of Permit Requirements

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues a proposed rule that would make minor changes to regulations implementing the Fishery Management Plan for the Bottomfish Fisheries of the Western Pacific Region. In addition to some technical changes, operators of bottomfish vessels would be required to display their official number to enhance enforcement, and fish dealers would be required to make available to authorized officers records that are required by state law regarding sales of fish to facilitate monitoring of the fishery. These changes are intended to make existing regulations clearer and more effective.

DATES: Comments will be accepted until October 16, 1995.

ADDRESSES: Comments should be sent to Ms. Hilda Diaz-Soltero, Director, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213.

FOR FURTHER INFORMATION CONTACT: James Morgan, 310-980-4036; or Alvin Z. Katekaru, 808-973-2985.

SUPPLEMENTARY INFORMATION: At the September 1994 meeting of the Western Pacific Fishery Management Council (Council), the NMFS Office of Enforcement, Southwest Region, recommended changes to the regulations for the bottomfish fisheries for the purpose of clarifying the requirements. The Council approved those changes and recommended that NMFS amend the existing regulations. The proposed changes are as follows:

1. List in the prohibitions section of the regulations that fishing without a permit in the Mau Zone of the Northwestern Hawaiian Islands is unlawful. A permit is required for both the Ho'omalulu and Mau zones; however, only the Ho'omalulu Zone is mentioned in the prohibitions section at § 683.6. Mentioning the Mau Zone in the prohibitions section would correct an oversight.

2. Require operators of bottomfish vessels to display their official numbers. Operators of vessels fishing in the crustacean and pelagic fisheries of the western Pacific are required to display their official numbers; however, this requirement was overlooked in the bottomfish fishery. Displaying the official number would help enforcement officers to identify fishing vessels, thereby minimizing radio contact and time on scene by air or ship while enforcing the regulations.

3. Require any person, such as fish dealers, to make available to authorized officers records that are required by state law regarding sales of fish. Current regulations at § 683.4(c) require fishermen and fish dealers to submit to