

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DATES: This withdrawal of proposed rule is withdrawn on August 18, 1995.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

the appropriate state agency all reports required by that state. A new paragraph is proposed to be added that would require fish dealers to make state reports available to authorized officers for inspection. This would facilitate monitoring of the fishery.

4. Several editorial changes to the regulations would also be made for the purposes of clarity.

Classification

This action is taken under authority of the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.* This action has been determined to be not significant for the purposes of E.O. 12866. The Assistant General Counsel of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The only costs are minimal costs of allowing access to fish reports required by the State, and a small additional cost to fishermen related to the requirement to paint the official number on each vessel. As a result, a regulatory flexibility analysis was not prepared.

List of Subjects in 50 CFR Part 683

Administrative practice and procedure, Fisheries, Reporting and recordkeeping requirements.

Dated: August 11, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 683 is proposed to be amended as follows:

PART 683—WESTERN PACIFIC BOTTOMFISH AND SEAMOUNT GROUND FISH FISHERIES

1. The authority citation for part 683 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 683.2, the definition of "Council" is revised to read as follows:

§ 683.2 Definitions.

* * * * *

Council means the Western Pacific Fishery Management Council, 1164 Bishop Street, Suite 1405, Honolulu, HI 96813, 808-522-8220.

* * * * *

3. In § 683.4, paragraph (d) is added to read as follows:

§ 683.4 Recordkeeping and reporting.

* * * * *

(d) Any person who is required by State laws and regulations to maintain records of landings and sales for vessels regulated by this part, shall make those records immediately available for Federal inspection and copying upon request by an authorized officer.

4. In § 683.6, paragraphs (i) and (j) are amended by removing the word "fishing" and replacing it with the word "fish"; and paragraphs (f) through (k) are redesignated as paragraphs (g) through (l), respectively, and paragraphs (f), (m), and (n) are added to read as follows:

§ 683.6 Prohibitions.

* * * * *

(f) Fish for bottomfish in the Mau Zone without a permit issued under § 683.21.

* * * * *

(m) Fail to affix and maintain vessel markings, as required by § 683.9.

(n) Refuse to make available to an authorized officer for inspection any records that must be made available in accordance with § 681.4.

5. Sections 683.9 and 683.10 are redesignated as §§ 683.10 and 683.11, respectively, and a new § 683.9 is added as follows:

§ 683.9 Vessel identification.

(a) *Official number.* Each fishing vessel subject to this part must display its official number on the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck so as to be visible from enforcement vessels and aircraft.

(b) *Numerals.* In each of the three locations specified in paragraph (a), the official number must appear in block Arabic numerals at least 18 inches (45.7 cm) in height for fishing vessels of 65 feet (19.8 m) in length or longer, and at least 10 inches (25.4 cm) in height for other vessels. Markings must be legible and of a color that contrasts with the background.

(c) *Duties of operator.* The operator of each fishing vessel subject to this part must—

(1) Keep the displayed official number clearly legible and in good repair; and

(2) Ensure that no part of the vessel, its rigging, or its fishing gear obstructs the view of the official number from an enforcement vessel or aircraft.

§ 683.29 [Amended]

6. In § 683.29, paragraph (a) is amended by removing the telephone number "808-955-8831" and adding, in its place "808-973-2939".

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