

plan that includes the additional information presented in its reply comments. We recognize that, to some extent, the plan and details of its implementation are a work in progress. Accordingly, we believe the appropriate course of action is to monitor UTAM's implementation of the plan. We are requiring UTAM to furnish biannual reports on its progress in implementing the plan. The first report will be due July 1, 1995, and every six months thereafter. The reports should provide an update on the status of the financial and band clearing plans, the extent of incumbent microwave relocation, and the extent of unlicensed PCS device deployment. Additionally, the reports should provide updated projections of future band clearing and unlicensed PCS implementation based on the best and most current data available at the time the report is prepared. We also are requiring that the report provide information on any problems or difficulties encountered in implementing the plan and how they are being resolved.

#### Ordering Clauses

11. Accordingly, It Is Ordered, pursuant to sections 4(i), 7(a), 302, 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, U.S.C. Sections 154(i), 157(a), 302, 303(c), 303(f), 303(g), and 303(r), that UTAM, Inc. is designated to coordinate and manage the transition of the 1910–1930 MHz band from the Private Operational Fixed Microwave Service to unlicensed PCS operations. It Is Further Ordered, that UTAM, Inc., shall submit to the Commission reports on its progress in implementing its plan beginning on July 1, 1995, and every six months thereafter. It Is Further Ordered, that Part 15 is amended as shown to remove the conditions attached to UTAM's designation as the coordinator for unlicensed PCS operations in the 1910–1930 MHz band.

#### List of Subjects in 47 CFR Part 15

Radio.

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

Part 15 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

#### PART 15—RADIO FREQUENCY DEVICES

1. The authority citation for part 15 continues to read as follows:

**Authority:** Secs. 4, 302, 303, 304, and 307 of the Communications Act of 1934, as

amended, 47 U.S.C. Sections 154, 302, 303, 304, and 307.

2. Section 15.307(a) is revised to read as follows:

#### § 15.307 Coordination with fixed microwave service.

(a) UTAM, Inc., is designated to coordinate and manage the transition of the 1910–1930 MHz band from Private Operational-Fixed Microwave Service (OFS) operating under part 94 of this chapter to unlicensed PCS operations.

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### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 672 and 675

[Docket No. 900833–1095; I.D. 0515951]

#### Groundfish of the Gulf of Alaska; Groundfish of the Bering Sea and Aleutian Islands Area; Bycatch Rate Standards for the Second Half of 1995

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

**ACTION:** Pacific halibut and red king crab bycatch rate standards; request for comments.

**SUMMARY:** NMFS announces Pacific halibut and red king crab bycatch rate standards for the second half of 1995. Publication of these bycatch rate standards is required under regulations implementing the vessel incentive program. This action is necessary to implement the bycatch rate standards for vessel operators who participate in the Alaska groundfish trawl fisheries under the incentive program. The intent of this action is to reduce prohibited species bycatch rates and promote conservation of groundfish and other fishery resources.

**DATES:** Effective 12:01 a.m., Alaska local time (A.l.t.), July 1, 1995, through 12 midnight, A.l.t., December 31, 1995. Comments on this action must be received at the following address no later than 4:30 p.m., A.l.t., June 30, 1995.

**ADDRESSES:** Comments should be mailed to Ronald J. Berg, Chief, Fisheries Management Division, NMFS, P.O. Box 21668, Juneau, AK 99802–1668, Attn: Lori Gravel; or be delivered to 709 West 9th Street, Federal Building, Room 401, Juneau, AK.

**FOR FURTHER INFORMATION CONTACT:** Susan J. Salvesson, 907–586–7228.

**SUPPLEMENTARY INFORMATION:** The domestic groundfish fisheries in the exclusive economic zone of the Bering Sea and Aleutian Islands management area (BSAI) and Gulf of Alaska (GOA) are managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands and the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMPs). The FMPs were prepared by the North Pacific Fishery Management Council under the authority of the Magnuson Fishery Conservation and Management Act. The FMPs are implemented by regulations for the U.S. fisheries at 50 CFR parts 672, 675, and 676. General regulations that also pertain to the U.S. fisheries appear at 50 CFR part 620. Regulations that establish observer coverage requirements are set out at 50 CFR part 677.

Regulations at §§ 672.26 and 675.26 implement a vessel incentive program to reduce halibut and red king crab bycatch rates in the groundfish trawl fisheries. Under the incentive program, operators of trawl vessels may not exceed Pacific halibut bycatch rate standards specified for the BSAI and GOA midwater pollock and “other trawl” fisheries, and the BSAI yellowfin sole and “bottom pollock” fisheries. Vessel operators also may not exceed red king crab bycatch standards specified for the BSAI yellowfin sole and “other trawl” fisheries in Bycatch Limitation Zone 1 (defined in § 675.2). The fisheries included under the incentive program are defined in regulations at §§ 672.26(b) and 675.26(b).

Regulations at §§ 672.26(c) and 675.26(c) require that halibut and red crab bycatch rate standards for each fishery included under the incentive program be published in the **Federal Register**. The standards are in effect for specified seasons within the 6-month periods of January 1 through June 30, and July 1 through December 31. For purposes of calculating vessel bycatch rates under the incentive program, 1995 fishing months were specified in the **Federal Register** on January 12, 1995 (60 FR 2905).

Halibut and red king crab bycatch rate standards for the first half of 1995 also were published in the **Federal Register** on January 12, 1995. As required by §§ 672.26(c) and 675.26(c), the Director, Alaska Region, NMFS (Regional Director), has established the bycatch rate standards for the second half of 1995 (July 1 through December 31).

These standards are set out in Table 1 and are based on the following information and considerations:

1. Previous years' average observed bycatch rates,
2. Immediately preceding season's average observed bycatch rates,
3. The bycatch allowances and associated fishery closures specified under §§ 672.20(f) and 675.21,
4. Anticipated groundfish harvests,
5. Anticipated seasonal distribution of fishing effort for groundfish, and
6. Other information and criteria deemed relevant by the Regional Director.

TABLE 1.—BYCATCH RATE STANDARDS BY FISHERY FOR THE SECOND HALF OF 1995 FOR PURPOSES OF THE VESSEL INCENTIVE PROGRAM IN THE BSAI AND GOA

Fishery	Bycatch rate standard
Pacific halibut bycatch rate standards (kilogram of halibut/metric ton of groundfish catch):	
BSAI Midwater pollock .....	1.0
BSAI Bottom pollock .....	5.0
BSAI Yellowfin sole .....	5.0
BSAI Other trawl .....	30.0
GOA Midwater pollock .....	1.0
GOA Other trawl .....	40.0
Zone 1 red king crab bycatch rate standards (number of crab/metric ton of groundfish catch):	
BSAI yellowfin sole .....	2.5
BSAI Other trawl .....	2.5

**Bycatch Rate Standards for Pacific Halibut**

The halibut bycatch rate standards for the 1995 trawl fisheries are unchanged from those implemented in 1994. The Regional Director based 1995 standards for the second half of 1995 on anticipated seasonal fishing effort for groundfish species and 1992–95 halibut bycatch rates observed in the trawl fisheries included under the incentive program. In determining these bycatch rate standards, the Regional Director recognized that directed fishing for BSAI Pacific cod by vessels using trawl gear is closed until October 25, 1995 (60 FR 20658, April 27, 1995) and that directed fishing for yellowfin sole is closed until August 1, 1995. The Regional Director also considered the August 15 opening date of the 1995 BSAI pollock “B” season (§ 675.23(e)).

The halibut bycatch rate standards for the BSAI yellowfin sole and “bottom pollock” fisheries are each set at 5 kilogram (kg) halibut/metric ton (mt) of groundfish. These standards approximate the average annual rates

observed on trawl vessels participating in these fisheries since 1992.

The halibut bycatch rate standard for the BSAI and GOA midwater pollock fisheries (1 kg halibut/mt of groundfish) is higher than the bycatch rates normally experienced by vessels participating in these fisheries. This standard is intended to encourage vessel operators to maintain off-bottom trawl operations and limit further bycatch of halibut in the pollock fishery when halibut prohibited species catch limits at §§ 672.20(f) and 675.21(c)(1) prohibit directed fishing for pollock by vessels using non-pelagic trawl gear.

A bycatch rate standard of 30 kg halibut/mt of groundfish is established for the BSAI “other trawl” fishery. This standard has remained unchanged since 1992. A bycatch rate standard of 40 kg halibut/mt of groundfish is established for the GOA “other trawl” fishery, which is unchanged from 1994.

The bycatch rate standards recommended for the GOA and BSAI “other trawl” fisheries are intended to simplify the GOA and BSAI incentive program by specifying a single bycatch rate standard for the trawl fisheries that are not assigned fishery-specific bycatch rate standards, while maintaining the objective of the incentive program to reduce overall halibut bycatch rates. Observer data collected from the 1994 GOA “other trawl” fishery show average third and fourth quarter halibut bycatch rates of 26 and 44 kg halibut/mt of groundfish, respectively. The first quarter rate from 1995 was lower, at 15 kg halibut/mt of groundfish, although the second quarter rate increased to 59 kg halibut/mt of groundfish. Observer data collected from the 1994 BSAI “other trawl” fishery show third and fourth quarter halibut bycatch rates of 3 and 4 kg halibut/mt of groundfish, respectively. The first and second quarter rates from the 1995 BSAI “other trawl” fishery were 11 and 14 kg halibut/mt of groundfish, respectively.

Generally, the average bycatch rates experienced by vessels participating in the GOA and BSAI “other trawl” fisheries are lower than the bycatch rate standards for these fisheries set out in Table 1. However, the Regional Director has determined that the halibut bycatch rate standards for the “other trawl” fisheries will continue to provide an incentive to vessel operators to avoid unusually high bycatch rates while participating in these fisheries and contribute towards an overall reduction in halibut bycatch rates experienced in the Alaska trawl fisheries.

**Bycatch Rate Standards for Red King Crab**

The red king crab bycatch rate standard for the yellowfin sole and “other trawl” fisheries in Zone 1 of the Bering Sea subarea is 2.5 crab/mt of groundfish during the second half of 1995. This standard remains unchanged since 1992.

Fishing for groundfish in Zone 1 is expected to be limited during the second half of 1995 because of fishery closures. Directed fishing for yellowfin sole in Zone 1 by vessels using trawl gear is closed for the remainder of 1995, because the Zone 1 *C. bairdi* Tanner crab bycatch allowance specified for this fishery has been reached (60 FR 17653, April 7, 1995). Directed fishing in Zone 1 for most groundfish species included in the “other trawl” fishery (defined at § 675.26(b)(4)) is closed for the remainder of 1995 because of halibut, red king crab, or *C. bairdi* Tanner crab bycatch restrictions (rockfish, Greenland turbot, sablefish, arrowtooth flounder (60 FR 8479, February 14, 1995); and Pacific cod (60 FR 15521, March 24, 1995)). Fishing in Zone 1 for rock sole, flathead sole, and “other flatfish” could occur after July 1 when the remaining portion of the halibut bycatch mortality limit apportioned to these fisheries becomes available. However, the 1995 halibut and *C. bairdi* bycatch allowances specified for these flatfish fisheries (60 FR 8479, February 14, 1995) likely will limit directed fishing in Zone 1 before the 1995 red king crab bycatch allowance specified for these fisheries is reached. Through late April 1995, the rock sole, flathead sole, and “other flatfish” fisheries have taken 85 percent and 71 percent of the halibut and *C. bairdi* bycatch allowances, respectively, specified for these fisheries for 1995, whereas only 19 percent of the red king crab bycatch allowance specified for these fisheries has been taken.

Given that Zone 1 has been closed to most fisheries during the second half of the year since 1992, limited data exist on which to base a red king crab bycatch rate standard for the second half of the year. Since 1992, average quarterly bycatch rates have ranged from 2.39 red king crab/mt groundfish to near zero. Although the red king crab bycatch rate standard set out in Table 1 is higher than the highest average quarterly bycatch rate since 1992, the Regional Director maintained the 2.5 red king crab/mt of groundfish bycatch rate standard to support any exploratory fishing in Zone 1 by vessel operators attempting to avoid relatively high halibut and *C. bairdi* bycatch rates

typically experienced in other areas of the BSAI.

The Regional Director has determined that the bycatch rate standards set out in Table 1 are appropriately based on the information and considerations necessary for such determinations under §§ 672.26(c) and 675.26(c). These bycatch rate standards may be revised and published in the **Federal Register** when deemed appropriate by the Regional Director, pending his consideration of the information set forth at §§ 672.26(c)(2)(v) and 675.26(c)(2)(v).

**Classification**

This action is taken under 50 CFR 672.26 and 675.26 and is exempt from review under E.O. 12866.

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

Dated: May 17, 1995.

**Richard W. Surdi,**

*Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

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