

intended to delete the words “for use” from § 2.1204(a)(5). Instead, after comment on this proposed revision, the Commission deleted the words “for use” but added a qualifier to allow for the importation of foreign standard cellular handsets that are incapable of operating in the United States. It is believed that this amendment of the rule both closes the “loophole” and allows businesses to conduct business such as the importing and selling of cellular handsets to the United States.

#### Legal Basis

Pursuant to the authority contained in sections 4(i), 4(j), 7(a), 302, 303(b), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 157(a), 302a, 303(b), 303(f), 303(g), 303(r), part 2, subpart K, §§ 2.1204(a)(5), 2.1205(a), 47 CFR 2.1204(a)(5) and 2.1205(a) are amended.

#### List of Subjects in 47 CFR Part 2

Imports.

Federal Communications Commission.  
**Magalie Roman Salas,**  
*Secretary.*

#### Rule Changes

Part 2 of Title 47 of the Code of Federal Regulations is amended as follows:

### PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. The authority citation for Part 2 is amended to read as follows:

**Authority:** 47 U.S.C. 154, 302a, 303, and 336, unless otherwise noted.

2. Section 2.1204 is revised by amending paragraph (a)(5) to read as follows:

#### § 2.1204 Import conditions.

(a) \* \* \*

(5) The radio frequency device is being imported solely for export. The device will not be marketed or offered for sale in the U.S., except:

(i) If the device is a foreign standard cellular phone solely capable of functioning outside the U.S.

(ii) If the device is a multi-mode wireless handset that has been certified under the Commission's rules and a component (or components) of the handset is a foreign standard cellular phone solely capable of functioning outside the U.S.

\* \* \* \* \*

3. Section 2.1205 is revised by removing the note and revising paragraph (a) to read as follows:

#### § 2.1205 Filing of required declaration.

(a) For points of entry where electronic filing with Customs has not been implemented, use FCC Form 740 to provide the needed information and declarations. Attach a copy of the completed FCC Form 740 to the Customs entry papers.

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### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[I.D. 121399A]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Bycatch Rate Standards for the First Half of 2000

**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 first half of 2000. Publication of these bycatch rate standards is necessary under regulations implementing the vessel incentive program. This action is necessary to implement the bycatch rate standards for trawl vessel operators who participate in the Alaska groundfish trawl fisheries. The intent of this action is to reduce prohibited species bycatch rates and promote conservation of groundfish and other fishery resources.

**DATES:** Effective 1201 hours, Alaska local time (A.l.t.), January 20, 2000, through 2400 hours, A.l.t., June 30, 2000. Comments on this action must be received at the following address no later than 4:30 p.m., A.l.t., January 26, 2000.

**ADDRESSES:** Comments may be submitted to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel. Comments also may be sent via facsimile (fax) to 907-586-7465. Comments will not be accepted if submitted via e-mail or Internet. Courier or hand delivery of comments may be made to NMFS in the Federal Building, Room 453, Juneau, AK 99801.

#### FOR FURTHER INFORMATION CONTACT:

Mary Furuness, 907-586-7228, fax 907-586-7465, e-mail mary.furuness@noaa.gov.

**SUPPLEMENTARY INFORMATION:** NMFS manages the domestic groundfish fisheries in the exclusive economic zone of the Bering Sea and Aleutian Islands management area (BSAI) and Gulf of Alaska (GOA) according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMPs). The North Pacific Fishery Management Council (Council) prepared the FMPs under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing the groundfish fisheries appear at 50 CFR part 679.

Regulations at § 679.21(f) 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 rate standards specified for the BSAI yellowfin sole and “other trawl” fisheries in Bycatch Limitation Zone 1 (defined in § 679.2). The fisheries included under the incentive program are defined in regulations at § 679.21(f)(2).

Regulations at § 679.21(f)(3) require that halibut and red king 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. Because the Alaskan groundfish fisheries are closed to trawling from January 1 to January 20 of each year (§ 679.23(c)), the Administrator, Alaska Region, NMFS (Regional Administrator) is promulgating bycatch rate standards for the first half of 2000 effective from January 20, 2000, through June 30, 2000.

As required by § 679.21(f)(4), bycatch rate standards are based on the following information:

(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 §§ 679.20 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 Administrator.

At its October 1999 meeting, the Council reviewed halibut and red king crab bycatch rates experienced by vessels participating in the fisheries under the incentive program during 1994–1999. Based on this and other information presented here, the Council

recommended halibut and red king crab bycatch rate standards for the first half of 2000. These standards are unchanged from those specified for the past 5 years. The Council's recommended bycatch rate standards are listed in Table 1 to this part.

TABLE 1—BYCATCH RATE STANDARDS, BY FISHERY AND QUARTER, FOR THE FIRST HALF OF 2000 FOR PURPOSES OF THE VESSEL INCENTIVE PROGRAM IN THE BSAI AND GOA.

Fishery and quarter	2000 bycatch rate standard
Halibut bycatch rate standards (kilogram (kg) of halibut/metric ton (mt) of groundfish catch)	
BSAI Midwater pollock	
Qt 1 .....	1.0
Qt 2 .....	1.0
BSAI Bottom pollock	
Qt 1 .....	7.5
Qt 2 .....	5.0
BSAI Yellowfin sole	
Qt 1 .....	5.0
Qt 2 .....	5.0
BSAI Other trawl	
Qt 1 .....	30.0
Qt 2 .....	30.0
GOA Midwater pollock	
Qt 1 .....	1.0
Qt 2 .....	1.0
GOA Other trawl	
Qt 1 .....	40.0
Qt 2 .....	40.0
Zone 1 red king crab bycatch rate standards (number of crab/mt of groundfish catch)	
BSAI yellowfin sole	
Qt 1 .....	2.5
Qt 2 .....	2.5
BSAI Other trawl	
Qt 1 .....	2.5
Qt 2 .....	2.5

### Bycatch Rate Standards for Pacific Halibut

The BSAI pollock roe season currently begins January 20 and ends April 15, although pollock seasons in 2000 are expected to change under proposed regulations implementing new Steller sea lion conservation measures. In 1999, the inshore and offshore component fisheries for pollock were closed 6 to 8 weeks prior to April 15, depending on the processing component and area. Directed fishing for pollock by the inshore and offshore component fisheries did not reopen until August 1, the start of the pollock non-roe season. Directed fishing for pollock by vessels participating in the community development quota program could continue after the end of roe season. However, the community development quota pollock fishery did not resume until just prior to August 1. As in past years, the directed fishing allowances specified for the 2000 pollock roe season likely will be reached before the end of the roe season.

As in past years, the halibut bycatch rate standard recommended 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. The recommended standard is intended to encourage vessel operators to maintain off-bottom trawl operations.

In 1999, directed fishing for pollock by vessels using nonpelagic trawl gear in the BSAI was prohibited under § 679.20(a)(5)(i)(B). In spite of this prohibition, the catch composition in observed hauls on board some vessels still was attributed to the BSAI bottom pollock fishery with an average halibut bycatch rate in the first calendar quarter fishery equal to 2.49 kg halibut/mt groundfish. The Council has again proposed that the amount of pollock that may be taken in the 2000 directed fishery for pollock using non-pelagic trawl gear be set at zero metric tons under § 679.20(a)(5)(i)(B). Although this prohibition will be effective for 2000, the recommended halibut bycatch rate standard remains at 7.5 kg halibut/mt groundfish and will not likely be a factor in the directed pollock fishery. The bycatch rate standard for the second

quarter remains at 5 kg halibut/mt groundfish even though little fishing for pollock is anticipated during this period.

Other factors that could affect the spatial and temporal distribution of the directed pollock fishery include the 2000 allocations of pollock among the inshore and offshore fleets under the American Fisheries Act and the implementation of conservation measures that are necessary under the Endangered Species Act to mitigate pollock fishery impacts on Steller sea lions. At this time, the effects of these changes on halibut bycatch rates in the pollock fishery are unknown.

Data available on halibut bycatch rates in the yellowfin sole fishery during the first and second quarters of 1999 showed an average bycatch rate of 5.05 and 7.44 kg halibut/mt of groundfish, respectively. These rates are similar to past years, so the Council and NMFS have presumed that a bycatch rate standard of 5.0 kg halibut/mt of groundfish for the yellowfin sole fishery will continue to encourage vessel operators to take action to avoid

excessively high bycatch rates of halibut.

For the "other trawl" fisheries, the Council recommended a 30 kg halibut/mt of groundfish bycatch rate standard for the BSAI and a 40 kg halibut/mt of groundfish bycatch rate standard for the GOA. Observer data collected from the 1999 BSAI "other trawl" fishery show first and second quarter halibut bycatch rates of 21.44 and 33.05 kg halibut/mt of groundfish, respectively. Observer data collected from the 1999 GOA "other trawl" fishery show first and second quarter halibut bycatch rates of 32.48 and 58.87 kg halibut/mt of groundfish, respectively.

With the exception of the BSAI and GOA second quarter "other trawl" fisheries, the average bycatch rates experienced by vessels participating in the GOA and BSAI "other trawl" fisheries have been lower than the Council's recommended bycatch rate standards for these fisheries. The Council determined that its recommended halibut bycatch rate standards for the "other trawl" fisheries, including the second quarter BSAI and GOA fisheries, would continue to provide an incentive to vessel operators to avoid unusually high halibut bycatch rates while participating in these fisheries and contribute towards an overall reduction in halibut bycatch rates experienced in the Alaska trawl fisheries.

Furthermore, these standards would provide some leniency to those vessel operators who choose to use large mesh trawl gear or other device as a means to reduce groundfish discard amounts. The bycatch rates of halibut and crab could increase for those vessels using large mesh sizes, but the Council recommended maintaining the current bycatch rate standards for the "other trawl" fisheries until data become available that could provide a basis for bycatch rate standards for vessels using large mesh trawl gear.

### **Bycatch Rate Standards for Red King Crab**

For the BSAI yellowfin sole and "other trawl" fisheries in Zone 1 of the Bering Sea subarea, the Council's recommended red king crab bycatch rate standard is 2.5 crab/mt of groundfish. This standard is unchanged since 1992. The red king crab bycatch rates experienced by the yellowfin sole fishery in Zone 1 during the first and second quarters of 1999 averaged 0.04 and 0.03 crab/mt of groundfish, respectively. The average bycatch rates of red king crab experienced in the "other trawl" fishery during the first and second quarter of 1999 were 0.13 and 0.05 crab/mt groundfish, respectively. The low 1999 red king crab bycatch rates primarily were due to trawl closures in Zone 1 that were implemented to reduce red king crab bycatch.

For the period January through October 1999, the total bycatch of red king crab by trawl vessels fishing in Zone 1 is estimated at 98,000 crab, considerably less than the 200,000 red king crab bycatch limit established for the trawl fisheries in Zone 1. NMFS anticipates that the 2000 red king crab bycatch in Zone 1 will be similar to 1999 because the crab bycatch reduction measures and the bycatch limit of 200,000 crab will remain the same.

In spite of anticipated 2000 red king crab bycatch rates being significantly lower than 2.5 red king crab/mt of groundfish, the Council recommended the red king crab bycatch rate standards be maintained at this level to avoid unusually high crab bycatch rates while providing some leniency to those vessel operators that choose to use large mesh trawl gear as a means to reduce groundfish discard amounts.

The Regional Administrator has determined that Council recommendations for bycatch rate standards are appropriately based on the information and considerations

necessary for such determinations under § 679.21(f). Therefore, the Regional Administrator concurs in the Council's determinations and recommendations for halibut and red king crab bycatch rate standards for the first half of 2000 as set forth in Table 1 to this part. These bycatch rate standards may be revised and published in the **Federal Register** when deemed appropriate by the Regional Administrator pending his consideration of the information set forth at § 679.21(f)(4).

As required in regulations at §§ 679.2 and 679.21(f)(5), the 2000 fishing months are specified as the following periods for purposes of calculating vessel bycatch rates under the incentive program:

- Month 1: January 1 through January 29;
- Month 2: January 30 through February 26;
- Month 3: February 27 through April 1;
- Month 4: April 2 through May 6;
- Month 5: May 7 through June 3;
- Month 6: June 4 through July 1;
- Month 7: July 2 through July 29;
- Month 8: July 30 through September 2;
- Month 9: September 3 through September 30;
- Month 10: October 1 through October 28;
- Month 11: October 29 through December 2; and
- Month 12: December 3 through December 31.

### **Classification**

This action is taken under 50 CFR 679.21(f) and is exempt from OMB review under Executive Order 12866.

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.* and 3631 *et seq.*

Dated: December 21, 1999.

**Andrew A. Rosenberg,**

*Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.*

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