

§ 95.655 [Amended]

182. Section 95.655, paragraph (a) is amended by removing the term "type accepted" each place it appears and adding in its place "certificated", and removing the term "type acceptance" and adding in its place "certification".

§ 95.665 [Amended]

183. The undesignated center heading preceding § 95.665 is revised to read as follows: "ADDITIONAL CERTIFICATION REQUIREMENTS FOR CB TRANSMITTERS."

§ 95.669 [Amended]

184. Section 95.669, paragraph (a)(1) is amended by removing the term "type acceptance" and adding in its place "certification".

185. Section 95.851 is revised to read as follows:

§ 95.851 Certification.

Each CTS and RTU transmitter must be certificated for use in the IVDS in accordance with subpart J of part 2 of this chapter.

§ 95.857 [Amended]

186. Section 95.857, paragraph (c) is amended by removing the term "type acceptance" and adding in its place "certification".

PART 97—AMATEUR RADIO SERVICE

187. The authority citation for part 97 continues to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609, unless otherwise noted.

188. Section 97.315, the section heading is revised to read as follows:

§ 97.315 Certification of external RF power amplifiers.

Paragraphs (a), (b) and (c) are amended by removing the term "type acceptance" each place it appears and adding in its place "certification", and by removing the term "type accepted" each place it appears and adding in its place "certificated". Paragraph (c) is amended by removing the first sentence, and by removing the term "on this list" and adding in its place "in the Commission's database".

189. Section 97.317, the section heading is revised to read as follows:

§ 97.317 Standards for certification of external RF power amplifiers.

Paragraphs (a), (b) and (c) are amended by removing the term "type acceptance" each place it appears and adding in its place "certification".

PART 101—FIXED MICROWAVE SERVICES

190. The authority citation for part 101 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 101.61 [Amended]

191. Section 101.61, paragraph (c)(1)(i) is amended by removing the term "type-accepted (or type-notified)" each place it appears and adding in its place "certificated or verified."

§ 101.107 [Amended]

192. Section 101.107, footnote 4 following the table is amended by removing the term "type accepted" and adding in its place "authorized".

§ 101.133 [Amended]

193. Section 101.133, paragraph (a) is amended by removing the term "type-accepted" and adding in its place "certificated".

194. Section 101.139 is revised to read as follows:

§ 101.139 Authorization of transmitters.

(a) Except for transmitters used at developmental stations or for fixed point-to-point operation pursuant to subparts H and I of this part, each transmitter must be a type which has been certificated by the Commission for use under the applicable rules of this part. Transmitters used in the private operational fixed and common carrier fixed point-to-point microwave services under subparts H and I of this part must be of a type that has been verified for compliance. Transmitters designed for use in the 31.0 to 31.3 GHz band will be authorized under the verification procedure.

(b) Any manufacturer of a transmitter to be produced for use under the rules of this part may request certification or obtain verification by following the applicable procedures set forth in part 2 of this chapter.

(c) Certification for an individual transmitter may also be requested by an applicant for a station authorization, pursuant to the procedures set forth in part 2 of this chapter.

(d) A transmitter presently shown on an instrument of authorization, which operates on an assigned frequency in the 890–940 MHz band and has not been certificated, may continue to be used by the licensee without certification provided such transmitter continues otherwise to comply with the applicable rules and regulations of the Commission.

(e) Certification or verification is not required for portable transmitters operating with peak output power not

greater than 250 mW. If operation of such equipment causes harmful interference the FCC may, at its discretion, require the licensee to take such corrective action as is necessary to eliminate the interference.

(f) After July 15, 1996, the manufacturer (except for export) or importation of equipment employing digital modulation techniques in the 3700–4200, 5925–6425, 6525–6875, 10,550–10,680 and 10,700–11,700 MHz bands must meet the minimum payload capacity requirements of § 101.141.

§ 101.141 [Amended]

195. Section 101.141, paragraph (a)(2) is amended by removing the term "type accepted" and adding in its place "certificated".

§ 101.151 [Amended]

196. Section 101.151, paragraph (e) is amended by removing the term "Type-accepted" and adding in its place "Certificated".

[FR Doc. 98–17670 Filed 7–6–98; 8:45 am]

BILLING CODE 6712–01–U

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 285**

[Docket No. 980629161–8161–01; I.D. 061798A]

RIN 0648–AL39

Atlantic Tuna Fisheries; Atlantic Bluefin Tuna

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

ACTION: Rescission of prohibition.

SUMMARY: NMFS issues this notification announcing the rescission of the prohibition of the use of aircraft to assist fishing vessel operators in the location and capture of Atlantic bluefin tuna (BFT). This rescission is in compliance with a June 10, 1998, Order of the United States District Court for Massachusetts (Court), which overturned the regulations banning the use of spotter planes in other than the Purse Seine and Harpoon categories.

DATES: Effective June 10, 1998.

FOR FURTHER INFORMATION CONTACT: Sarah McLaughlin, 301–713–2347, or Mark Murray-Brown, 978–281–9260.

SUPPLEMENTARY INFORMATION: NMFS, in accordance with the authority of the Atlantic Tunas Convention Act (16

U.S.C. 971 *et seq.*), amended the regulations found at 50 CFR Part 285 governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction to prohibit the use of spotter aircraft in assisting BFT vessels in other than the Harpoon and Purse Seine categories (62 FR 38485, July 18, 1997).

In response to a lawsuit filed by the Atlantic Fish Spotters Association, the Court, on June 10, 1998, overturned the prohibition on the use of spotter aircraft in assisting BFT vessels in other than the Harpoon and Purse Seine categories, as codified in 50 CFR Part 285. Therefore, consistent with the judicial order, spotter aircraft may now assist vessels in all categories, and the prohibition at 50 CFR Part 285 is rescinded.

Classification

This action is not significant for purposes of review under E.O. 12866.

The Assistant Administrator for Fisheries finds good cause under 5 U.S.C. 553(b)(B) to waive the requirement to provide prior notice and an opportunity for public comment as such procedures are unnecessary. This rule, which rescinds an existing rule, is being issued pursuant to a court order invalidating the existing rule. NMFS has no discretion to consider alternatives to the issuance of this rule implementing the order. As such, prior notice and an opportunity for public comment are unnecessary because NMFS has no authority to alter the provisions of this rule. Because this action relieves a restriction, under 5 U.S.C. 553(d)(1), it is not subject to a delay in effective date.

List of Subjects in 50 CFR Part 285

Fisheries, Fishing, Penalties, Reporting and recordkeeping requirements, Treaties.

Dated: June 30, 1998.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 285 is amended to read as follows:

PART 285—ATLANTIC TUNA FISHERIES

1. The authority citation for part 285 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.*

§ 285.31 [Amended]

2. In § 285.31, paragraph (a)(40) is removed.

§ 285.33 [Amended]

3. In § 285.33, paragraph (b) is removed and reserved.

[FR Doc. 98-17938 Filed 7-1-98; 3:39 pm]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 600 and 660

[Docket No. 971229312-7312-01; I.D. 062698A]

Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Changes

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

ACTION: Fishing restrictions; request for comments.

SUMMARY: NMFS announces changes to the trip limits to the Pacific Coast groundfish limited entry fishery for the *Sebastes* complex south of Cape Mendocino, to the coastwide open access fisheries for widow rockfish, canary rockfish, the *Sebastes* complex, and lingcod, and to the open access nontrawl sablefish fishery north of 36°00' N. lat. In addition, closure of the open access fishery for lingcod is announced for August 1, 1998. Trip limits for the Washington Coastal Treaty tribes for canary rockfish and lingcod also are announced. These actions, which are authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP), are intended to keep landings within the 1998 harvest guidelines (HGs) and allocations for these species.

DATES: Effective 0001 hours local time (l.t.) July 1, 1998, except the change to the trip limit for the *Sebastes* complex for limited entry trawl vessels in the "B" platoon becomes effective at 0001 hours l.t. July 16, 1998, and closure of the open access lingcod fishery occurs at 0001 hours on August 1, 1998. These changes remain in effect, unless modified, superceded or rescinded, until the effective date of the 1999 annual specifications and management measures for the Pacific Coast groundfish fishery, which will be published in the **Federal Register**. Comments will be accepted through July 22, 1998.

ADDRESSES: Submit comments to William Stelle, Jr., Administrator, Northwest Region (Regional

Administrator), NMFS, 7600 Sand Point Way NE., Bldg. 1, Seattle WA 98115-0070; or William Hogarth, Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

FOR FURTHER INFORMATION CONTACT: Bill Robinson, Northwest Region, NMFS, 206-526-6140; or Svein Fougner, Southwest Region, NMFS, 526-980-4040.

SUPPLEMENTARY INFORMATION: The following changes to current management measures were recommended by the Pacific Fishery Management Council (Council) at its June 23-26, 1998, meeting in Seattle, WA, in consultation with the States of Washington, Oregon, and California.

Limited Entry Fishery

The *Sebastes* complex means all rockfish managed by the FMP except Pacific ocean perch, widow rockfish, shortbelly rockfish, and shortspine and longspine thornyheads.

Currently the *Sebastes* complex is managed with 2-month cumulative trip limits: 40,000 lb (18,144 kg) north of Cape Mendocino and 150,000 lb (68,039 kg) south of Cape Mendocino. Within the cumulative limits for the *Sebastes* complex, no more than 13,000 lb (5897 kg) may be yellowtail rockfish north of Cape Mendocino, no more than 2,000 lb (907 kg) may be bocaccio south of Cape Mendocino, and no more than 15,000 lb (6,804 kg) may be canary rockfish coastwide.

The best available information at the June Council meeting indicated that the 4,677 mt limited entry allocation for the *Sebastes* complex in the Eureka-Monterey-Conception area would be reached between August 27 and September 18, 1998, if the rate of landings is not curtailed. The Council recommended that the current 2-month cumulative trip limit of 150,000 lb (68,039 kg) south of Cape Mendocino be reduced to 40,000 lb (18,144 kg), the same as north of Cape Mendocino, which makes one, consistent coastwide limit for the complex. The limited entry limits for yellowtail rockfish, bocaccio, and canary rockfish are not changed.

Open Access Fishery

Widow rockfish. Currently, the open access fishery for widow rockfish is managed by a 1-month cumulative trip limit of 15,000 lb (6,804 kg), which is half the limited entry 2-month cumulative limit. The best available information at the June Council meeting indicated that the 158-mt open access allocation would be reached between August 2, 1998, and November 9, 1998,