

of operation; and (3) meets any additional criteria established by the Small Business Administration ("SBA").

15. The *Second Reconsideration Order* applies to broadband PCS C and F block licensees. The Commission, with respect to broadband PCS, defines small entities to mean those having gross revenues of not more than \$40 million in each of the preceding three calendar years. This definition has been approved by the SBA. On May 6, 1996, the Commission concluded the broadband PCS block auction. A Second PCS C block auction closed on July 16, 1996. The broadband PCS D, E, and F block auction closed on Jan. 14, 1997. Ninety bidders (including the C block reauction winners, prior to any defaults by winning bidders) won 493 C block licenses and 88 bidders won 491 F block licenses. Small businesses placing high bids in the C and F block auctions were eligible for bidding credits and installment payment plans. For purposes of our evaluations and conclusion in this FRFA, we assume that all of the 90 C block broadband PCS licensees and 88 F block broadband PCS licensees, a total of 178 licensees potentially affected by this *Second Reconsideration Order*, are small entities. The disaggregation option applies only to C Block licensees, so therefore the rules changes will affect no more than 90 entities prior to any auction of returned spectrum.

#### *D. Description of the Projected Reporting, Record-Keeping, and Other Compliance Requirements*

16. The modifications adopted by the *C Block Restructuring Orders* include reporting and record-keeping requirements for licensees of newly created 15 MHz blocks to establish compliance with the construction requirement adopted for those blocks. These licensees must file maps and other supporting documents at the five and ten-year construction benchmarks.

#### *E. Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered*

17. As noted in the FRFA of the *C Block Second Report and Order*, the Commission analyzed the significant economic impact on small entities and considered significant alternatives. The modifications adopted on reconsideration further reduced the burden on C block licensees, which are small businesses. These steps were detailed at length in the Supplemental FRFA. The amendment adopted in the *Second Reconsideration Order* similarly

minimizes economic impact in that it applies the 10 MHz construction requirements to licensees of the newly created 15 MHz blocks. Thus, it applies the less onerous of the existing construction requirements.

#### *F. Report to Congress*

18. The Commission shall send a copy of the *Second Reconsideration Order*, including this Second Supplemental FRFA, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996. See 5 USC 801(a)(1)(A). A copy of the Second Reconsideration Order and this FRFA will also be sent to the Chief Counsel for Advocacy of the Small Business Administration.

#### *Paperwork Reduction Act*

19. This *Second Reconsideration Order* contains neither a modified nor a new information collection.

#### **List of Subjects in 47 CFR Part 24**

Personal communications services.  
Federal Communications Commission.  
**Magalie Roman Salas,**  
*Secretary.*

#### **Rule Changes**

Accordingly, Part 24 of Title 47 of the Code of Federal Regulations is amended as follows:

#### **PART 24—PERSONAL COMMUNICATIONS SERVICES**

1. The authority citation for Part 24 continues to read as follows:

**Authority:** 47 U.S.C. 154, 301, 302, 303, 309 and 332, unless otherwise noted.

2. Section 24.203(b) is amended by revising the first sentence to read as follows:

#### **§ 24.203 Construction requirements.**

\* \* \* \* \*

(b) Licensees of 10 MHz blocks and 15 MHz blocks resulting from the disaggregation option as provided in the Commission's Rules Regarding Installment payment Financing for Personal Communications Services (PCS) Licensees, *Second Report and Order and Further Notice of Proposed Rule Making*, WT Docket 97-82, 12 FCC Rcd 16,436 (1997), as modified by *Order on Reconsideration of the Second Report and Order*, WT Docket 97-82, 13 FCC Rcd 8345 (1998), must serve with a signal level sufficient to one-quarter of the population in their licensed area within five years of being licensed, or make a showing of substantial service in

their licensed area within five years of being licensed. \* \* \*

\* \* \* \* \*

[FR Doc. 99-12455 Filed 5-17-99; 8:45 am]

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#### **DEPARTMENT OF COMMERCE**

#### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 300**

[Docket No. 99990312074-9074-01; I.D. 051299A]

#### **Pacific Halibut Fisheries; Washington Sport Fisheries**

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

**ACTION:** Inseason action.

**SUMMARY:** NMFS announces changes to the regulations for the Area 2A sport fisheries off the south coast of Washington. This action opens the south coast closed area to halibut fishing. The purpose of this action is to allow sport fishers access to the south coast of Washington halibut quota in a season of unusually slow fishing.

**DATES:** Effective May 13, 1999.

**ADDRESSES:** Comments may be mailed to William Stelle, Jr., Regional Administrator, Northwest Region, NMFS, 7600 Sand Point Way, Seattle, WA 98115.

**FOR FURTHER INFORMATION CONTACT:** Yvonne deReynier, 206-526-6120.

**SUPPLEMENTARY INFORMATION:** The Area 2A Catch Sharing Plan for Pacific halibut off Washington, Oregon, and California is implemented in the annual management measures for the Pacific halibut fisheries published on March 19, 1999 (64 FR 13519). Those regulations established the 1999 subarea quota for the south coast of Washington (Queets River, Washington to Leadbetter Point, Washington) fishery as 32,081 lb (14.6 mt). The all-depth sport fishery in this area is scheduled for 5 days per week (Sunday through Thursday), and the nearshore fishery is scheduled for 7 days per week. Early catch rate attainment for this area is significantly slower than in past years, with several charter vessels returning to dock without having caught any halibut. In 1998, charter anglers averaged 1 fish per person over the fishery's opening weekend. This year, anglers averaged .25 fish per person over the opening weekend.

Section 24 of the 1999 Pacific halibut regulations provides NMFS with the flexibility to make certain inseason management changes, provided that the action is necessary to allow allocation objectives to be met, and that the action will not result in exceeding the catch limit for the area. The structuring objective for the Washington coast subarea is to maximize the season length, while maintaining a quality fishing experience. This inseason action would open to fishing the portion of the Washington south coast subarea that is currently closed to sport fishing for halibut.

The Washington south coast closed area is a halibut "hot spot." The purpose of having a closed "hot spot" is to lengthen the season in this subarea by preventing fisher access to this area of more abundant halibut. The closed area is not maintained for conservation purposes. Given the extremely low rate of halibut landings thus far in 1999, opening the "hot spot" to fishing is not expected to shorten the season for this area over past years' season lengths. The closed area is a rectangle defined by

these four coordinates: 47°19'00" N. lat., 124°53'00" W. long.; 47°19'00" N. lat., 124°48'00" W. long.; 47°16'00" N. lat., 124°53'00" W. long.; 47°16'00" N. lat., 124°48'00" W. long.

In consultation with the Washington Department of Fish and Wildlife, the Pacific Fishery Management Council, and the International Pacific Halibut Commission, NMFS has determined that opening the Washington south coast closed area to halibut fishing meets the season structuring objective of providing a quality fishing experience without allowing the fishery to exceed the Washington south coast quota.

#### **NMFS Action**

For the reasons stated above, NMFS announces the following change to the 1999 annual management measures (64 FR 13519, March 19, 1999, as amended).

1. For the Washington south coast subarea, section 23(4)(b)(iii)(C) is removed.

#### **Classification**

This action is authorized by the regulations implementing the Catch Sharing Plan. The determination to take

these actions is based on the most recent data available. Because of the need for immediate action to allow fishers access to the Washington south coast halibut quota, and because the public had an opportunity to comment on the NMFS authority to make inseason changes to certain management measures when those measures would further the objectives of the Catch Sharing Plan, NMFS has determined that good cause exists for this document to be published without affording a prior opportunity for public comment or a 30-day delayed effectiveness period. Public comments will be received for a period of 15 days after the effectiveness of this action. This action is authorized by Section 24 of the annual management measures for Pacific halibut fisheries published on March 19, 1999 (63 FR 13519) and has been determined to be not significant for purposes of E.O. 12866.

Dated: May 13, 1999.

#### **Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 99-12486 Filed 5-13-99; 4:05 pm]

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