

determining the line-of-sight/non-line-of-sight path component in the WINNER II model, where such data is available. For evaluating paths where such data is not available, the AFC system must use a probabilistic model combining the line-of-sight path and non-line-of-sight path into a single path-loss as follows:

$$\text{Path-loss (L)} = \sum_i P(i) * L_i = P_{\text{LOS}} * L_{\text{LOS}} + P_{\text{NLOS}} * L_{\text{NLOS}},$$

where  $P_{\text{LOS}}$  is the probability of line-of-sight,  $L_{\text{LOS}}$  is the line-of-sight path loss,  $P_{\text{NLOS}}$  is the probability of non-line-of-sight,  $L_{\text{NLOS}}$  is the non-line-of-sight path loss, and  $L$  is the combined path loss. The WINNER II path loss models include a formula to determine  $P_{\text{LOS}}$  as a function of antenna heights and distance.  $P_{\text{NLOS}}$  is equal to  $(1 - P_{\text{LOS}})$ . In all cases, the AFC system will use the correct WINNER II parameters to match the morphology of the path between a standard power access point and a fixed microwave receiver (*i.e.*, Urban, Suburban, or Rural).

(iii) More than one kilometer, the AFC system must use Irregular Terrain Model (ITM) combined with the appropriate clutter model. To account for the effects of clutter, such as buildings and foliage, that the AFC system must combine the ITM with the ITU-R P.2108-0 (06/2017) clutter model for urban and suburban environments and the ITU-R P.452-16 (07/2015) clutter model for rural environments. The AFC system should use the most appropriate clutter category for the local morphology when using ITU-R P.452-16. However, if detailed local information is not available, the "Village Centre" clutter category should be used. The AFC system must use 1 arc-second digital elevation terrain data and, for locations where such data is not available, the most granular available digital elevation terrain data.

(2) Interference Protection Criteria:

(i) The AFC system must use  $-6$  dB I/N as the interference protection criteria in determining the size of the co-channel exclusion zone where  $I$  (interference) is the co-channel signal from the standard power access point or fixed client device at the fixed microwave service receiver, and  $N$  (noise) is background noise level at the fixed microwave service receiver.

(ii) The AFC system must use  $-6$  dB I/N as the interference protection criteria in determining the size of the adjacent channel exclusion zone, where  $I$  (interference) is the signal from the standard power access point or fixed client device's out of channel emissions at the fixed microwave service receiver and  $N$  (noise) is background noise level at the fixed microwave service receiver.

The adjacent channel exclusion zone must be calculated based on the emissions requirements of paragraph (b)(6) of this section.

(m) *Incumbent Protection by AFC system: Radio Astronomy Services.* The AFC system must enforce an exclusion zones to the following radio observatories that observe between 6650–6675.2 MHz: Arecibo Observatory, the Green Bank Observatory, the Very Large Array (VLA), the 10 Stations of the Very Long Baseline Array (VLBA), the Owens Valley Radio Observatory, and the Allen Telescope Array. The exclusion zone sizes are based on the radio line-of-sight and determined using  $\frac{4}{3}$  earth curvature and the following formula:

$$\text{dkm}_{\text{los}} = 4.12 * (\text{sqrt}(\text{Htx}) + \text{sqrt}(\text{Hrx})),$$

where  $\text{Htx}$  is the height of the unlicensed standard power access point or fixed client device and  $\text{Hrx}$  is the height of the radio astronomy antenna in meters above ground level. Coordinate locations of the radio observatories are listed in section 2.106, notes US 131 and US 385 of this part.

(n) *Incumbent Protection by AFC system: Fixed-Satellite Services.* Standard power access points and fixed client devices located outdoors must limit their maximum e.i.r.p. at any elevation angle above 30 degrees as measured from the horizon to 21 dBm (125 mW) to protect fixed satellite services.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 635

[Docket No. 180117042-8884-02; RTID 0648-XA200]

#### Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

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

**ACTION:** Temporary rule.

**SUMMARY:** NMFS closes the northern area Angling category fishery for large medium and giant ("trophy" (*i.e.*, measuring 73 inches (185 cm) curved fork length or greater)) Atlantic bluefin tuna (BFT). This action is being taken to prevent further overharvest of the Angling category northern area trophy BFT subquota.

**DATES:** Effective 11:30 p.m., local time, May 21, 2020, through December 31, 2020.

**FOR FURTHER INFORMATION CONTACT:** Sarah McLaughlin, 978-281-9260, Larry Redd, 301-427-8503, or Nicholas Velseboer 978-675-2168.

**SUPPLEMENTARY INFORMATION:** Regulations implemented under the authority of the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27 subdivides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) among the various domestic fishing categories, per the allocations established in the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan (2006 Consolidated HMS FMP) (71 FR 58058, October 2, 2006) and amendments.

Under § 635.28(a)(1), NMFS files a closure notice with the Office of the Federal Register for publication when a BFT quota is reached or is projected to be reached. Retaining, possessing, or landing BFT under a quota category is prohibited on or after the effective date and time of a closure notice for that category until the opening of the relevant subsequent quota period or until such date as specified.

#### Angling Category Large Medium and Giant Northern Area "Trophy" Fishery Closure

The 2020 BFT fishing year, which is managed on a calendar-year basis and subject to an annual calendar-year quota, began January 1, 2020. The Angling category season opened January 1, 2020, and continues through December 31, 2020. The currently codified Angling category quota is 232.4 metric tons (mt), of which 5.3 mt is allocated for the harvest of large, medium, and giant (trophy) BFT by vessels fishing under the Angling category quota, with 1.8 mt allocated for each of the following areas: North of 39°18' N lat. (off Great Egg Inlet, NJ); south of 39°18' N lat. and outside the Gulf of Mexico (the "southern area"); and in the Gulf of Mexico. Trophy BFT measure 73 inches (185 cm) curved fork length or greater.

Based on reported landings from the NMFS Automated Catch Reporting System, NMFS has determined that the codified Angling category northern area trophy BFT subquota of 1.8 mt has been

reached and exceeded, and that a closure of the northern area trophy BFT fishery is warranted. Therefore, retaining, possessing, or landing large medium or giant BFT north of 39°18' N lat. by persons aboard vessels permitted in the HMS Angling category and the HMS Charter/Headboat category (when fishing recreationally) must cease at 11:30 p.m. local time on May 21, 2020. This closure will remain effective through December 31, 2020. This action is intended to prevent further overharvest of the Angling category northern area trophy BFT subquota, and is taken consistent with the regulations at § 635.28(a)(1). We previously closed the 2020 trophy BFT fishery in the southern area on February 20, 2020 (85 FR 10341, February 24, 2020), and in the Gulf of Mexico area on April 16, 2020 (85 FR 21789, April 20, 2020). Therefore, with this closure of the northern area trophy BFT fishery, the Angling category trophy BFT fishery will be closed in all areas for 2020.

If needed, subsequent Angling category adjustments will be published in the **Federal Register**. Information regarding the Angling category fishery for Atlantic tunas, including daily retention limits for BFT measuring 27 inches (68.5 cm) to less than 73 inches (185 cm) and any further Angling category adjustments, is available at [hmspermits.noaa.gov](https://hmspermits.noaa.gov) or by calling (978) 281-9260. HMS Angling and HMS Charter/Headboat category permit holders may catch and release (or tag and release) BFT of all sizes, subject to the requirements of the catch-and-

release and tag-and-release programs at § 635.26. Anglers are also reminded that all BFT that are released must be handled in a manner that will maximize survival, and without removing the fish from the water, consistent with requirements at § 635.21(a)(1). For additional information on safe handling, see the "Careful Catch and Release" brochure available at <https://www.fisheries.noaa.gov/resource/outreach-and-education/careful-catch-and-release-brochure>.

HMS Charter/Headboat and Angling category vessel owners are required to report the catch of all BFT retained or discarded dead, within 24 hours of the landing(s) or end of each trip, by accessing [hmspermits.noaa.gov](https://hmspermits.noaa.gov), using the HMS Catch Reporting app, or calling (888) 872-8862 (Monday through Friday from 8 a.m. until 4:30 p.m.).

#### Classification

The Assistant Administrator for NMFS (AA) finds that it is impracticable and contrary to the public interest to provide prior notice of, and an opportunity for public comment on, this action for the following reasons:

The regulations implementing the 2006 Consolidated HMS FMP and amendments provide for inseason retention limit adjustments and fishery closures to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. The closure of the northern area Angling category trophy fishery is necessary to prevent any

further overharvest of the northern area trophy fishery subquota. NMFS provides notification of closures by publishing the notice in the **Federal Register**, emailing individuals who have subscribed to the Atlantic HMS News electronic newsletter, and updating the information posted on the Atlantic Tunas Information Line and on [hmspermits.noaa.gov](https://hmspermits.noaa.gov).

These fisheries are currently underway, and delaying this action would be contrary to the public interest as it could result in excessive trophy BFT landings that may result in future potential quota reductions for the Angling category, depending on the magnitude of a potential Angling category overharvest. NMFS must close the northern area trophy BFT fishery before additional landings of these sizes of BFT occur. Therefore, the AA finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment. For all of the above reasons, there is good cause under 5 U.S.C. 553(d) to waive the 30-day delay in effectiveness.

This action is being taken under 50 CFR 635.28(a)(1), and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: May 20, 2020.

**Hélène M.N. Scalliet,**  
*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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