

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[DA 02-160; MM Docket No. 90-189; RM-6904; RM-7114; RM-7186; RM-7415; RM-7298]

**Radio Broadcasting Services; Grass Valley and Jackson, CA**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule, application for review.

**SUMMARY:** This document dismisses an Application for Review filed by Nevada County Broadcasters, Inc. directed against a staff *Memorandum Opinion and Order* in this proceeding. See 64 FR 63258, Published November 19, 1999. This action is contingent on the concurrent grants of applications filed by Station KNCO, Grass Valley, California, (File No. BPH-20011025AAB), and Station KNGT, Jackson, California, (File No. BPH-20011024ABE), both proposing operation on Channel 232A. The reference coordinates for the Channel 232A at Grass Valley, California, are 39-14-44 and 120-57-52. The reference coordinates for the Channel 232A allotment at Jackson, California, are 38-24-44 and 120-35-32. With this action, the proceeding is terminated.

**DATES:** Effective February 5, 2002.

**FOR FURTHER INFORMATION CONTACT:** Robert Hayne, Mass Media Bureau, (202) 418-2177.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Memorandum Opinion and Order* in MM Docket No. 90-189, adopted January 16, 2002, and released January 18, 2002. The full text of this decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

**PART 73—RADIO BROADCAST SERVICES**

1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334 and 336.

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under California, is amended by removing Channel 231A and adding Channel 232A at Grass Valley.

3. Section 73.202(b), the Table of FM Allotments under California, is amended by removing Channel 232B1 and adding Channel 232A at Jackson.

Federal Communications Commission.

**John A. Karousos,**  
*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 02-2616 Filed 2-4-02; 8:45 am]

**BILLING CODE 6712-01-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 648**

[Docket No. 010823216-2020-02; I.D. 071601A]

**RIN 0648-AP32**

**Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Delay of the Implementation Date of the Year-4 Default Management Measures for Small-Mesh Multispecies**

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

**ACTION:** Final rule.

**SUMMARY:** NMFS amends the regulations that implement Amendment 12 to the Northeast Multispecies Fishery Management Plan (FMP) to change the date of the Year-4 default management measures for small-mesh multispecies (silver hake (whiting), red hake and offshore hake), from May 1, 2002, to May 1, 2003. Delaying the implementation date for an additional year is in conformance with the original intent of Amendment 12 to the FMP. As specified in the FMP, this action is necessary to provide at least 2 full years of data on the fishery so that the Whiting Monitoring Committee (WMC) can fully assess the effectiveness of the current management measures and recommend alternative default measures, if appropriate.

**DATES:** Effective March 7, 2002.

**ADDRESSES:** Copies of the Amendment 12 document, its Regulatory Impact Review (RIR), final Regulatory Flexibility Analysis (FRFA) and the Final Supplemental Environmental Impact Statement (FSEIS), and other supporting documents for Amendment 12 are available from Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, The Tannery-Mill 2, Newburyport, MA 01950.

**FOR FURTHER INFORMATION CONTACT:** E. Martin Jaffe, Fishery Policy Analyst, at 978-281-9272.

**SUPPLEMENTARY INFORMATION:** The New England Fishery Management Council (Council) voted at its December 1998 meeting that May 1, 1999, would begin Year 1 of Amendment 12, with the expectation that the Amendment would be implemented by the autumn of 1999. The Council submitted its final version of Amendment 12 in April 1999. Based upon the Council's assumption of an autumn 1999 implementation date, the regulations implementing Amendment 12 specified that the Year-4 default measures would become effective on May 1, 2002. However, due to extensive review and revisions, the Amendment did not actually become effective until April 28, 2000. Thus, Year 1 of Amendment 12 was actually only 3 days in duration (April 28 - April 30, 2000), rather than 8 to 10 months, as originally anticipated by the Council. As a result, under the current regulations, the WMC would have less than 2 years of data to analyze, and only one opportunity to implement an annual adjustment before the default measures are scheduled to be implemented (May 1, 2002). This is not consistent with the Council's intent in Amendment 12. A proposed rule and request for comments was published in the **Federal Register** (66 FR 48020) on September 17, 2001. Details concerning the background of this action are discussed extensively in the preamble to the proposed rule and are not repeated here. In addition, copies of the analytical documents conducted in support of Amendment 12 upon which this action is based are available (see **ADDRESSES**).

**Comments and Responses**

Comments on the proposed rule for this action were accepted through October 17, 2001. A total of 143 comments were received, all of which were from the commercial fishing industry; 141 were signed form letters. All 143 comments supported this action. This action is also strongly supported by both the New England and

Mid-Atlantic Fishery Management Councils. A summary of the comments are as follows:

*Comment:* Commentor supports moving the default measures for small-mesh multispecies back one year because it recognizes the abbreviated nature of what was to have been a 4-year period as well as the possibility that current research will negate the need for implementation of the default ruling altogether.

*Response:* Comment is acknowledged.

*Comment:* Commentor, writing on behalf of its membership, supports delay of implementation of the year-4 default measures until May 1, 2003, because it will provide the Whiting Monitoring Committee with the additional time necessary to review the effectiveness of the existing plan.

*Response:* Comment is acknowledged.

*Comment:* 141 commentors support delay of implementation of the default measures because, they state, NMFS would then have two full years of data on the whiting fishery to gauge the effects of the trip limits and minimum mesh sizes. They add that delay would also allow the Whiting Monitoring Committee to fully assess the current management measures and recommend alternative default measures, if necessary.

*Response:* Comment is acknowledged.

### Classification

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this final rule would not have a significant economic impact on a substantial number of small entities. No comments were received regarding the economic impact of this action. As a result, a regulatory flexibility analysis was not prepared.

This action has been determined to be not significant for purposes of Executive Order (E.O.) 12866.

This final rule does not contain policies with federalism implications under E.O. 13132.

This final rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

### List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: January 30, 2002.

**Rebecca Lent,**

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

For the reasons set out in the preamble, 50 CFR part 648 is amended as follows:

### PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

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

2. In § 648.14, paragraph (z)(2) introductory text is revised to read as follows:

#### § 648.14 Prohibitions.

\* \* \* \* \*

(z) \* \* \*

(2) In addition to the general prohibitions specified in § 600.725 of this chapter and in paragraph (a) of this section, beginning May 1, 2003, it is unlawful for an owner or operator of a vessel issued a valid Federal multispecies permit to do any of the following:

\* \* \* \* \*

3. In § 648.80, the first sentence of paragraph (a)(3)(i)(A); paragraphs (a)(3)(i)(B), (a)(4)(i)(B) and (a)(4)(i)(C); the first sentences of paragraphs (a)(7)(i)(B), (a)(8)(i)(A), and (a)(8)(i)(B); paragraph (a)(9)(i)(D)(1) and (a)(9)(i)(D)(2); the first sentence of paragraphs (a)(14)(i)(B) and (a)(14)(i)(C); paragraph (b)(3)(i)(A); the first sentence of paragraph (b)(3)(i)(B); and paragraph (c)(2)(iii) are revised to read as follows:

#### § 648.80 Multispecies regulated mesh areas and restrictions on gear and methods of fishing.

\* \* \* \* \*

(a) \* \* \*

(3) \* \* \*

(i) \* \* \*

(A) Through April 30, 2003, an owner or operator of a vessel fishing in the northern shrimp fishery described in this section under this exemption may not fish for, possess on board, or land any species of fish other than shrimp, except for the following, with the restrictions noted, as allowable incidental species: Longhorn sculpin; combined silver hake and offshore hake--up to an amount equal to the total weight of shrimp possessed on board or landed, not to exceed 3,500 lb (1,588 kg); and American lobster--up to 10 percent, by weight, of all other species on board or 200 lobsters, whichever is less, unless otherwise restricted by landing limits specified in § 697.17 of this chapter. \* \* \*

(B) Beginning May 1, 2003, an owner or operator of a vessel fishing for northern shrimp may not fish for, possess on board, or land any species of fish other than shrimp, except for the following, with the restrictions noted, as allowable incidental species: Longhorn sculpin; combined silver hake and offshore hake--up to 100 lb (45.36 kg); and American lobster--up to 10 percent, by weight, of all other species on board or 200 lobsters, whichever is less, unless otherwise restricted by landing limits specified in § 697.17 of this chapter.

\* \* \* \* \*

(4) \* \* \*

(i) \* \* \*

(B) Through April 30, 2003, an owner or operator of a vessel fishing in this area may not fish for, possess on board, or land any species of fish other than whiting and offshore hake combined--up to a maximum of 30,000 lb (13,608 kg), except for the following, with the restrictions noted, as allowable incidental species: Herring; longhorn sculpin; squid; butterflyfish; Atlantic mackerel; dogfish, and red hake--up to 10 percent each, by weight, of all other species on board; monkfish and monkfish parts--up to 10 percent, by weight, of all other species on board or up to 50 lb (23 kg) tail-weight/166 lb (75 kg) whole-weight of monkfish per trip, as specified in § 648.94(c)(4), whichever is less; and American lobster--up to 10 percent, by weight, of all other species on board or 200 lobsters, whichever is less, unless otherwise restricted by landing limits specified in § 697.17 of this chapter.

(C) Beginning May 1, 2003, an owner or operator of a vessel fishing in this area is subject to the mesh size restrictions specified in paragraph (a)(4)(i)(D) of this section and may not fish for, possess on board, or land any species of fish other than whiting and offshore hake combined--up to a maximum of 10,000 lb (4,536 kg), except for the allowable incidental species listed in paragraph (a)(4)(i)(B) of this section.

\* \* \* \* \*

(7) \* \* \*

(i) \* \* \*

(B) *Small-mesh multispecies.*

Beginning May 1, 2003, an exemption may be added in an existing fishery for which there are sufficient data or information to ascertain the amount of small-mesh multispecies bycatch, if the Regional Administrator, after consultation with the NEFMC, determines that the percentage of small-mesh multispecies caught as bycatch is, or can be reduced to, less than 10 percent, by weight, of total catch and

that such exemption will not jeopardize fishing mortality objectives. \* \* \*

\* \* \* \* \*

(8) \* \* \*

(i)(A) Unless otherwise prohibited in § 648.81, through April 30, 2003, a vessel subject to the minimum mesh size restrictions specified in paragraph (a)(2) of this section may fish with or possess nets with a mesh size smaller than the minimum size, provided the vessel complies with the requirements of paragraphs (a)(3)(ii) or (a)(8)(ii) of this section and § 648.86(d) from July 15 through November 15, when fishing in Small-mesh Area 1, and from January 1 through June 30, when fishing in Small-mesh Area 2. \* \* \*

(B) Unless otherwise prohibited in § 648.81, beginning May 1, 2003, in addition to the requirements specified in paragraph (a)(8)(i)(A) of this section, nets may not have a mesh size of less than 3 in (7.62 cm) square or diamond mesh counting the first 100 meshes (200 bars in the case of square mesh) from the terminus of the net for vessels greater than 60 ft (18.28 m) in length and the first 50 meshes (100 bars in the case of square mesh) from the terminus of the net for vessels less than or equal to 60 ft (18.28 m) in length. \* \* \*

\* \* \* \* \*

(9) \* \* \*

(i) \* \* \*

(D)(1) Through April 30, 2003, the following species may be retained, with the restrictions noted, as allowable incidental species in the Nantucket Shoals Dogfish Fishery Exemption Area: Longhorn sculpin; silver hake--up to 200 lb (90.72 kg); monkfish and monkfish parts--up to 10 percent, by weight, of all other species on board or up to 50 lb (23 kg) tail-weight/166 lb (75 kg) whole-weight of monkfish per trip, as specified in § 648.94(c)(4), whichever is less; American lobster--up to 10 percent, by weight, of all other species on board or 200 lobsters, whichever is less, unless otherwise restricted by landing limits specified in § 697.17 of this chapter; and skate or skate parts--

up to 10 percent, by weight, of all other species on board.

(2) Beginning May 1, 2003, all nets must comply with a minimum mesh size of 3 in (7.62 cm) square or diamond mesh counting the first 100 meshes (200 bars in the case of square mesh) from the terminus of the net for vessels greater than 60 ft (18.28 m) in length and the first 50 meshes (100 bars in the case of square mesh) from the terminus of the net for vessels less than or equal to 60 ft (18.28 m) in length. Vessels may retain the allowable incidental species listed in paragraph (a)(9)(i)(D)(1) of this section.

\* \* \* \* \*

(14) \* \* \*

(i) \* \* \*

(B) Up to and including April 30, 2003, all nets must comply with a minimum mesh size of 2.5-inch (6.35-cm) square or diamond mesh, subject to the restriction as specified in paragraph (a)(14)(i)(D) of this section. \* \* \*

(C) Beginning May 1, 2003, in addition to the requirements specified in paragraph (a)(14)(i)(B) of this section, all nets must comply with a minimum mesh size of 3-inch (7.62 cm) square or diamond mesh, subject to the restrictions as specified in paragraph (a)(14)(i)(D) of this section. \* \* \*

\* \* \* \* \*

(b) \* \* \*

(3) \* \* \*

(i) \* \* \*

(A) Through April 30, 2003, owners and operators of vessels subject to the minimum mesh size restrictions specified in paragraph (b)(2) of this section may fish for, harvest, possess, or land butterfish, dogfish (trawl only), herring, Atlantic mackerel, ocean pout, scup, shrimp, squid, summer flounder, silver hake and offshore hake, and weakfish with nets of a mesh size smaller than the minimum size specified in the SNE Regulated Mesh Area, provided such vessels comply with requirements specified in paragraph (b)(3)(ii) of this section and

with the mesh size and possession limit restrictions specified under § 648.86(d).

(B) Beginning May 1, 2003, owners and operators of vessels subject to the minimum mesh size restrictions specified in paragraph (b)(2) of this section may not use nets with mesh size less than 3 in (7.62 cm), unless exempted pursuant to paragraph (b)(4) of this section, and may fish for, harvest, possess, or land butterfish, dogfish (trawl only), herring, Atlantic mackerel, ocean pout, scup, shrimp, squid, summer flounder, silver hake and offshore hake--up to 10,000 lb (4,536 kg), and weakfish with nets of a mesh size smaller than the minimum size specified in the SNE Regulated Mesh Area, provided such vessels comply with requirements specified in paragraph (b)(3)(ii) of this section and with the possession limit restrictions specified under § 648.86. \* \* \*

\* \* \* \* \*

(c) \* \* \*

(2) \* \* \*

(iii) *Small mesh beginning May 1, 2003.* Beginning May 1, 2003, nets may not have a mesh size of less than 3 in (7.62 cm) square or diamond mesh counting the first 100 meshes (200 bars in the case of square mesh) from the terminus of the net for vessels greater than 60 ft (18.28 m) in length and the first 50 meshes (100 bars in the case of square mesh) from the terminus of the net for vessels less than or equal to 60 ft (18.28 m) in length.

\* \* \* \* \*

4. In § 648.86, the headings to paragraphs (d) and (e) are revised to read as follows:

**§ 648.86 Multispecies possession restrictions.**

\* \* \* \* \*

(d) *Small-mesh multispecies through April 30, 2003.*

\* \* \* \* \*

(e) *Small-mesh multispecies beginning on May 1, 2003--*

\* \* \* \* \*

5. In § 648.90, the last sentence of paragraph (a)(2) is revised to read as follows:

**§ 648.90 Multispecies framework specifications.**

(a) \* \* \*

(2) \* \* \* In addition, for the 2003 fishing year, the WMC must consider, and recommend as appropriate, management options other than the default measures for small-mesh multispecies management (mesh and

possession limit restrictions for small-mesh multispecies beginning May 1, 2003).

\* \* \* \* \*

[FR Doc. 02-2726 Filed 2-4-02; 8:45 am]

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