

approval effective on January 6, 1997; revisions submitted on July 9, 1998, May 25, 1999, and March 15, 2001; full approval effective on November 5, 2001.

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 01-2211]

#### Radio Broadcasting Services; Various Locations

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, on its own motion, editorially amends the Table of FM Allotments to specify the actual classes of channels allotted to various communities. The changes in channel classifications have been authorized in response to applications filed by licensees and permittees operating on these channels. This action is taken pursuant to *Revision of Section 73.3573(a)(1) of the Commission's Rules Concerning the Lower Classification of an FM Allotment*, 4 FCC Rcd 2413 (1989), and the *Amendment of the Commission's Rules to permit FM Channel and Class Modifications [Upgrades] by Applications*, 8 FCC Rcd 4735 (1993).

**DATES:** Effective October 4, 2001.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, adopted September 12, 2001, and released September 21, 2001. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. This document 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.

#### 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 Alabama, is amended by removing Channel 264C3 and adding Channel 263C1 at Northport.

3. Section 73.202(b), the Table of FM Allotments under American Samoa, is amended by removing Channel 230C1 and adding Channel 284A at Leone.

4. Section 73.202(b), the Table of FM Allotments under Arizona, is amended by removing Channel 223C1 and adding Channel 223C0 at Eagar.

5. Section 73.202(b), the Table of FM Allotments under Colorado, is amended by removing Channel 222C2 and adding Channel 222A at Holyoke.

6. Section 73.202(b), the Table of FM Allotments under Michigan, is amended by removing Channel 268A and adding Channel 268C2 at Gaylord.

7. Section 73.202(b), the Table of FM Allotments under Mississippi, is amended by removing Channel 238C and adding Channel 238C0 at Jackson.

8. Section 73.202(b), the Table of FM Allotments under Nebraska, is amended by removing Channel 252A and adding Channel 252C3 at Broken Bow.

9. Section 73.202(b), the Table of FM Allotments under New Mexico, is amended by removing Channel 249A and adding Channel 248C1 at Raton.

10. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 255C1 and adding Channel 255C2 at Leander.

11. Section 73.202(b), the Table of FM Allotments under Virginia, is amended by removing Channel 291A and adding Channel 291B at Exmore.<sup>1</sup>

12. Section 73.202(b), the Table of FM Allotments under Wyoming, is amended by removing Channel 287C2 and adding Channel 287A at Pine Bluffs.

Federal Communications Commission.

**John A. Karousos,**

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

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<sup>1</sup> On July 11, 2001, the authorization for Channel 291B1, Exmore, Virginia, was amended by a one-step application to specify Channel 291A in lieu of Channel 291B1. See 66 FR 39453, July 31, 2001.

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 010112013-1013-01; I.D. 092801A]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Sharpchin and Northern Rockfish in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Area

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

**ACTION:** Fishery closure.

**SUMMARY:** NMFS closes directed fishing for Atka mackerel in the Aleutian Islands subarea of the Bering Sea and Aleutian Islands management area (BSAI) by vessels using trawl gear not fishing for a Community Development Quota (CDQ). This action is necessary to prevent overfishing of the sharpchin/northern rockfish species group.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), September 30, 2001, until 2400 hrs, A.l.t., December 31, 2001.

**FOR FURTHER INFORMATION CONTACT:** Mary Furuness, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The Magnuson-Stevens Fishery Conservation and Management Act requires that conservation and management measures prevent overfishing. The 2001 overfishing level for the sharpchin/northern rockfish species group in the BSAI is established by the Final 2001 Harvest Specifications and Associated Management Measures for the Groundfish Fisheries Off Alaska (66 FR 7276, January 22, 2001 and 66 FR 37167, July 17, 2001) as 9,020 metric tons (mt). The acceptable biological catch (ABC) is established as 6,764 mt and in the Aleutian Islands subarea the non-CDQ total allowable catch (TAC) is established as 5,733 mt. The Administrator, Alaska Region, (Administrator) NMFS estimates that as

of September xx, 2001, the non-CDQ TAC of sharpchin/northern rockfish will be caught.

NMFS closed directed fishing for sharpchin/northern rockfish in Final 2001 Harvest Specifications and Associated Management Measures for the Groundfish Fisheries Off Alaska (66 FR 7276, January 22, 2001 and 66 FR 37167, July 17, 2001). Substantial trawl fishing effort was directed at harvesting non-CDQ Atka mackerel in the Aleutian Islands subarea during 2001. This fishery has significant bycatch of sharpchin/northern rockfish, averaging about 120 mt per day during the week ending September 29, 2001. Data from the groundfish observer program also indicates that high bycatch rates of sharpchin/northern rockfish are experienced in the Atka mackerel fishery and range from 15 percent to 40 percent. These high rates are inherent in the directed Atka mackerel fishery and will not be reduced if fishermen were only prohibited from retaining sharpchin/northern rockfish pursuant to § 679.20 (d)(2). If the trawl non-CDQ Atka mackerel fishery were allowed to

continue beyond September 30, 2001, the ABC for sharpchin/northern rockfish would be significantly exceeded.

The Administrator has determined, in accordance with § 679.20 (d)(3) that closing the directed fishery for non-CDQ Atka mackerel by vessels using trawl gear is necessary to prevent overfishing of the sharpchin/northern rockfish species group, and is the least restrictive measure to achieve that purpose. Without this directed fishery closure, significant incidental catch of sharpchin/northern rockfish would occur by trawl vessels targeting non-CDQ Atka mackerel.

Maximum retainable bycatch amounts for Atka mackerel may be found in the regulations at § 679.20(e) and (f).

#### **Classification**

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, finds that the need to immediately implement this action to prevent overfishing of sharpchin/northern rockfish in the Aleutian Islands subarea

of the BSAI constitutes good cause to waive the requirement to provide prior notice opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553 (b)(3)(B) and 50 CFR 679.20 (b)(3)(iii)(A), as such procedures would be unnecessary and contrary to the public interest. Similarly, the need to implement these measures in a timely fashion to prevent overfishing of sharpchin/northern rockfish in the Aleutian Islands subarea of the BSAI constitutes good cause to find that the effective date of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: September 28, 2001.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 01-24786 Filed 9-28-01; 4:04 pm]

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