

Federal Communications Commission.

**John A. Karousos,**

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

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**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 01-1147; MM Docket No. 00-250; RM-10025]

#### Radio Broadcasting Services; Sauk Centre and Alexandria, Minnesota

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Main Street Broadcasting, Inc., licensee of Station KMSR(FM), Sauk Centre, Minnesota, and BDI Broadcasting, Inc., licensee of Station KIKV-FM, Alexandria, Minnesota, (1) allots Channel 232C3 in lieu of 232A at Sauk Centre, reallots Channel 232C3 from Sauk Centre to Alexandria, and modifies Station KMSR's license accordingly; and (2) reallots Channel 264C1 from Alexandria to Sauk Centre, and modifies Station KIKV's license accordingly. Channel 232C3 is allotted at Alexandria, Minnesota, in compliance with the Commission's minimum distance separation requirements, with respect to domestic allotments, at petitioner's requested site 8.8 kilometers (5.5 miles) northwest of the community at coordinates 45-55-57 NL and 95-28-21 WL. Channel 264C1 is reallotted from Alexandria to Sauk Centre in compliance with the Commission's minimum distance separation requirements, with respect to domestic allotments, at a site 15.6 kilometers (9.7 miles) west of the community at coordinates 45-41-03 NL and 95-08-14 WL.

**DATES:** Effective June 18, 2001.

**FOR FURTHER INFORMATION CONTACT:** Victoria M. McCauley, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 00-250, adopted April 25, 2001, and released May 4, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy

contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

#### 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 FM Table of Allotments under Minnesota is amended by removing Channel 232A and adding Channel 264C1 at Sauk Centre, and by removing Channel 264C1 and adding Channel 232C3 at Alexandria.

Federal Communications Commission.

**John A. Karousos,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 229

[Docket No. 010510119-1119-01; I.D. 050901B]

**RIN 0648-AP27**

#### Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan

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

**ACTION:** Temporary area and gear restrictions.

**SUMMARY:** The Assistant Administrator for Fisheries (AA), NOAA, announces temporary restrictions consistent with the requirements of the Atlantic Large Whale Take Reduction Plan's (ALWTRP) implementing regulations. The AA implements gear restrictions for an area totaling 460 square nautical miles (sq. nm) for 15 days to provide

immediate protection to an aggregation of northern right whales. The AA also requests that fishermen adhere to voluntary measures for a 600 sq. nm precautionary area, which surrounds the restricted area.

**DATES:** The areas and gear restrictions are effective beginning May 13, 2001, through May 30, 2001.

**ADDRESSES:** Send comments on this document to Gregg LaMontagne, NMFS/Northeast Region, One Blackburn Drive, Gloucester, MA 01930. Copies of the Environmental Assessment (EA), Atlantic Large Whale Take Reduction Team (ALWTRT) meeting summaries, and progress reports on implementation of the ALWTRP may also be obtained by writing Gregg LaMontagne, NMFS/Northeast Region at the address above.

Several of the background documents for the ALWTRP and the take reduction planning process can be downloaded from the ALWTRP web site at <http://www.nero.nmfs.gov/whaletrp/>. Copies of the most recent marine mammal stock assessment reports may be obtained by writing to Richard Merrick, NMFS, 166 Water St., Woods Hole, MA 02543, or can be downloaded from the Internet at <http://www.nero.nmfs.gov/whaletrp/>.

**FOR FURTHER INFORMATION CONTACT:** Gregg LaMontagne, NMFS, Northeast Region, 978-281-9291; or Patricia Lawson, NMFS, Office of Protected Resources, 301-713-2322.

**SUPPLEMENTARY INFORMATION:** The ALWTRP was developed pursuant to section 118 of the Marine Mammal Protection Act (MMPA) to reduce the incidental mortality and serious injury of four species of whales (northern right, fin, humpback and minke) due to incidental interaction with commercial fishing activities. The ALWTRP, implemented through regulations codified at 50 CFR 229.32, relies on a combination of fishing gear modifications and time/area closures to reduce the risk of these whales becoming entangled in commercial fishing gear (and potentially suffering serious injury or mortality as a result).

In addition, the regulations provide authority for contingency measures for addressing unusual or unexpected aggregations of right whales, or providing protection for such groups of animals during times or in areas not addressed by the requirements specified elsewhere in § 229.32. Section 229.32(g)(2) allows the AA to revise the ALWTRP requirements through a publication in the **Federal Register** if, among other things, NMFS determines that right whales are remaining longer than expected in a closed area or have left earlier than expected, NMFS

determines that the boundaries of a closed area are not appropriate, or similar situations occur.

On April 30, 2001, NMFS received a verified report of 13 northern right whales, including 4 cow-calf pairs, in the proximity of 42° 16' N. lat. and 69° 28' W. long. On May 2, 2001, NMFS received a verified sighting of six northern right whales, including two cow-calf pairs, in the proximity of 42° 12' N. lat. and 69° 30' W. long. These positions lie northeast of Cape Cod in an area called Wilkinson Basin.

The AA, through this action, restricts lobster and gillnet gear set in the waters bounded by: 42° 30' N. lat. 69° 15' W. long. (NE corner); 42° 05' N. lat. 69° 15' W. long. (SE corner); 42° 30' N. lat. 69° 40' W. long. (NW corner); and 42° 05' N. lat. 69° 40' W. long. (SW corner), as follows: (1) All gillnet gear must be removed from these waters within 48 hours of filing of this document in the **Federal Register**, and no new gear may be set in this area; (2) for all lobster trap gear set within this area at least 50 percent of the vertical lines in the water must be removed within 48 hours of filing of this document in the **Federal Register**, and no new gear may be set in this area. The restrictions will remain in effect through May 30, 2001, unless terminated sooner or extended by the AA, through another notification in the **Federal Register**. This restriction will be announced to state officials and fishermen through e-mail, phone contact, NOAA website, and other media immediately upon filing with the **Federal Register**.

In addition, the AA requests voluntary compliance from gillnet and lobster fishermen, with the same restrictions as mentioned here, for the precautionary area, which surrounds the restricted area, in the waters bounded by: 42° 36' N. lat., 69° 10' W. long. (NE corner); 41° 55' N. lat., 69° 10' W. long. (SE corner); 42° 36' N. lat., 69° 45' W. long. (NW corner); and 41° 55' N. lat., 69° 45' W. long. (SW corner). Voluntary compliance with the measures in this precautionary area is urged for the same time period as the restricted area defined above.

#### Authority

This action is authorized by section 118 of the Marine Mammal Protection Act and regulations at 50 CFR 229.32(g)(2).

Dated: May 10, 2001.

**William T. Hogarth,**

*Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.*

[FR Doc. 01-12326 Filed 5-11-01; 1:07 pm]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 010208032-1109-02; I.D. 050801D]

#### Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Commercial Quota Harvested for North Carolina

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

**ACTION:** Commercial quota harvest; closure.

**SUMMARY:** NMFS announces that the Atlantic bluefish commercial quota available to the State of North Carolina has been harvested. Vessels issued a commercial Federal fisheries permit for the Atlantic bluefish fishery may not land Atlantic bluefish in North Carolina for the remainder of calendar year 2001, unless additional quota becomes available through a transfer. Regulations governing the Atlantic bluefish fishery require publication of this notification to advise the State of North Carolina that the quota has been harvested and to advise Federal vessel permit holders and Federal dealer permit holders that no commercial quota is available for landing Atlantic bluefish in North Carolina.

**DATES:** Effective 0001 hours, May 15, 2001, through 2400 hours, December 31, 2001.

#### FOR FURTHER INFORMATION CONTACT:

Myles A. Raizin, Fishery Policy Analyst, (978) 281-9273.

#### SUPPLEMENTARY INFORMATION:

Regulations governing the Atlantic bluefish fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned on a percentage basis among the coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.160.

The initial total commercial quota for Atlantic bluefish for the 2001 calendar year was set equal to 9,583,010 lb (4,348,008 kg) (66 FR 23625, May 9, 2001). The percent allocated to vessels landing Atlantic bluefish in North Carolina is 32.0608 percent, or 3,072,386 lb (1,394,005 kg).

Section 648.161(b) requires the Administrator, Northeast Region, NMFS (Regional Administrator) to monitor

state commercial quotas and to determine when a state's commercial quota is harvested. NMFS will then publish a notification in the **Federal Register** advising a state and notifying Federal vessel and dealer permit holders that, effective upon a specific date, the state's commercial quota has been harvested and no commercial quota is available for landing Atlantic bluefish in that state. The Regional Administrator has determined, based upon dealer reports and other available information, that the State of North Carolina has attained its quota for 2001.

The regulations at § 648.4(b) provide that Federal permit holders agree as a condition of the permit not to land Atlantic bluefish in any state that the Regional Administrator has determined no longer has commercial quota available. Therefore, effective 0001 hours, May 15, 2001, further landings of Atlantic bluefish in North Carolina by vessels holding Atlantic bluefish commercial Federal fisheries permits are prohibited for the remainder of the 2001 calendar year, unless additional quota becomes available through a transfer and is announced in the **Federal Register**. Effective 0001 hours, May 15, 2001, federally permitted dealers are also advised that they may not purchase Atlantic bluefish from federally permitted vessels that land in North Carolina for the remainder of the calendar year, or until additional quota becomes available through a transfer.

#### Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

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

Dated: May 10, 2001.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 010112013-1013-01; I.D. 043001B]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Fisheries by Vessels Using Hook-and-Line Gear in the Gulf of Alaska

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and