

Commission amends 47 CFR parts 1 and 90 as follows:

## PART 1—PRACTICE AND PROCEDURE

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

**Authority:** 47 U.S.C. 151, 154(i), 154(j), 155, 225, 303(r), 309 and 325(e).

2. Section 1.913 is amended by adding paragraph (g) to read as follows:

### § 1.913 Application forms; electronic and manual filing.

\* \* \* \* \*

(g) *Section 337 Requests.* Applications to provide public safety services submitted pursuant to 47 U.S.C. 337 must be filed on the same form and in the same manner as other applications for the requested frequency(ies).

## PART 90—PRIVATE LAND MOBILE RADIO SERVICES

3. The authority citation for part 90 continues to read as follows:

**Authority:** Sections 4(i), 11, 303(g), 303(r), and 332(c)(7) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7).

4. Section 90.179 is amended by revising paragraph (g) to read as follows:

### § 90.179 Shared use of radio stations.

\* \* \* \* \*

(g) The provisions of this section do not apply to licensees authorized to provide commercial mobile radio service under this part, including licensees authorized to use channels transferred or assigned pursuant to § 90.621(e)(2).

5. Section 90.621 is amended by revising paragraph (e)(2) to read as follows:

### § 90.621 Selection and assignment of frequencies.

\* \* \* \* \*

(e) \* \* \*

(2) Notwithstanding paragraph (e)(5) of this section, licensees of channels in the Industrial/Land Transportation and Business categories may request a modification of the license, *see* § 1.947 of this chapter, to authorize use of the channels for commercial operation. The licensee may also, at the same time or thereafter, seek authorization to transfer or assign the license, *see* § 1.948 of this chapter, to any person eligible for licensing in the General or SMR categories. Applications submitted pursuant to this paragraph must be filed in accordance with the rules governing other applications for Industrial/Land Transportation and Business channels, and will be processed in accordance

with those rules, except that the modification application and the assignment application will be placed on public notice in accordance with § 1.933 of this chapter. Grant of requests submitted pursuant to this paragraph is subject to the following conditions:

(i) A licensee that modifies its license to authorize commercial operations will not be authorized to obtain additional 800 MHz Business or Industrial/Land Transportation category channels for sites located within 113 km (70 mi.) of the station for which the license was modified, for a period of one year from the date the license is modified. This provision applies to the licensee, its controlling interests and their affiliates, as defined in § 1.2110 of this chapter.

(ii) With respect to licenses the initial application for which was filed on or after November 9, 2000, requests submitted pursuant to paragraph (e)(2) of this section may not be filed until five years after the date of the initial license grant. In the case of a license that is modified on or after November 9, 2000 to add 800 MHz Industrial/Land Transportation or Business frequencies or to add or relocate base stations that expand the licensee's the interference contour, requests submitted pursuant to paragraph (e)(2) of this section for these frequencies or base stations may not be filed until five years after such modification.

(iii) Requests submitted pursuant to paragraph (e)(2) of this section must include a certification that written notice of the modification application has been provided to all Public Safety licensees, *see* § 90.20(a), with base stations within 113 km (70 mi.) of the site of the channel(s) for which authorization for commercial use is sought that operate within 25 kHz of the center of those channel(s). If, pursuant to paragraph (e)(2) of this section, modification and assignment or transfer applications are filed at different times, the written notice required by this paragraph must be provided each time.

(iv) The applicant must certify that it will take reasonable precautions to avoid causing harmful interference to Public Safety licensees, *see* § 90.20(a), and to take such action as may be necessary to eliminate interference to such licensees caused by its operations. (When an assignment or transfer application is filed pursuant to paragraph (e)(2) of this section, this representation is required only of the assignee or transferee.) Licensees of stations suffering or causing harmful interference are expected to cooperate and resolve this problem by mutually satisfactory arrangements. If the licensees are unable to do so, the

Commission may impose restrictions including specifying the transmitter power, antenna height, or area or hours of operation.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 635

[I.D. 121200G]

### Atlantic Highly Migratory Species (HMS) Fisheries; Pelagic Shark Species

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

**ACTION:** Commercial fishing quota notification.

**SUMMARY:** NMFS notifies eligible participants of commercial quotas for pelagic shark species for the 2001 fishing year. These quotas are consistent with the regulations issued in May 1999 to implement the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks.

**DATES:** The fishery opening for pelagic sharks is January 1, 2001.

**FOR FURTHER INFORMATION CONTACT:** Margo Schulze-Haugen or Karyl Brewster-Geisz, 301-713-2347; fax 301-713-1917.

**SUPPLEMENTARY INFORMATION:** The Atlantic shark fishery is managed under the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks (HMS FMP), and its implementing regulations are found at 50 CFR part 635 issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*).

On June 30, 1999, in the course of a lawsuit brought by commercial shark fishermen and dealers, NMFS was enjoined from enforcing the 1999 regulations, 64 FR 29090 (May 28, 1999), regarding Atlantic shark commercial catch quotas and fish-counting methods (including the counting of dead discards and state commercial landings after Federal closures) that are different from the quotas and fish-counting methods prescribed by the 1997 Atlantic shark regulations, 62 FR 16648 (April 7, 1997). On November 22, 2000, NMFS and the Plaintiffs signed a settlement agreement.

On December 7, 2000, the Court stipulated to the agreement and dissolved the injunction against the 1999 HMS FMP commercial shark regulations.

NMFS is now implementing and enforcing the pelagic shark quotas established in the May 28, 1999, regulations (64 FR 29090). The annual 2001 pelagic shark quota is as follows: porbeagle sharks, 92 mt dw; blue sharks, 273 mt dw; and pelagic sharks other than porbeagle sharks, 488 mt dw. The first semiannual quota for pelagic sharks is as follows: porbeagle sharks, 46 mt dw; blue sharks, 136.5 mt dw; and pelagic sharks other than porbeagle sharks, 244 mt dw. This fishery will

open on January 1, 2001. When the quotas are projected to be reached for this fishery, NMFS will file notification of closure at the Office of the Federal Register at least 14 days before the effective date.

This document does not change the quotas or fishing season lengths announced on December 5, 2000, for large or small coastal sharks (65 FR 75867). NMFS is currently developing an emergency rule consistent with the settlement agreement for these fisheries.

Those vessels that have not been issued a limited access permit under 50 CFR 635.4 may not sell sharks and are subject to the recreational retention limits and size limits specified at 50

CFR 635.22(c) and 635.20(d), respectively. The recreational fishery is not affected by any closure in the commercial fishery.

#### **Classification**

This action is taken under 50 CFR part 635 and is exempt from review under Executive Order 12866.

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

Dated: December 26, 2000.

#### **Val Chambers,**

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