

PART 74—EXPERIMENTAL RADIO, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

1. The authority citation for part 74 continues to read:

Authority: 47 U.S.C. 154, 303, 307, 336(f), and 554.

2. Section 74.1233 is amended by revising paragraphs (e)(3)(i) and (ii) to read as follows.

§ 74.1233 Processing FM translator and booster station applications.

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(e) * * *

(3) * * *

(i) *Existing authorizations.* Each applicant's number of existing radio authorizations (licenses and construction permits for AM, FM, and FM-translators but excluding fill-in translators) as of the time of application shall be compared, and the applicant with the fewest authorizations will be chosen as tentative selectee. If each applicant is applying for a fill-in translator only, and consideration of its other radio stations is not dispositive, its number of existing fill-in translator authorizations will also be considered, and the fill-in applicant with the fewest fill-in authorizations will be chosen as tentative selectee.

(ii) *Existing applications.* If a tie remains, after the tie breaker in paragraph (e)(3)(i) of this section, the remaining applicant with the fewest pending radio new and major change applications (AM, FM, and non fill-in FM translators) will be chosen as tentative selectee. If each applicant is applying for a fill-in translator only, and consideration of its other radio stations is not dispositive, its number of existing fill-in translator applications will also be considered, and the fill-in applicant with the fewest fill-in authorizations will be chosen as tentative selectee.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 031201C]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery off the Southern Atlantic States; Closure of the Penaeid Shrimp Fisheries off South Carolina and Georgia

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

ACTION: Closure of the penaeid shrimp fisheries in the exclusive economic zone (EEZ) off South Carolina and Georgia.

SUMMARY: NMFS closes the trawl fishery for penaeid shrimp, i.e., brown, pink, and white shrimp, in the EEZ off South Carolina and Georgia. This closure action is taken in accordance with the procedures and criteria specified in the Fishery Management Plan for the Shrimp Fishery of the South Atlantic Region (FMP) and its implementing regulations and is intended to protect the spawning stock of white shrimp that has been severely depleted by unusually cold weather conditions.

DATES: The closure is effective March 13, 2001 until the effective date of a notification of opening which will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Dr. Steve Branstetter, 727-570-5305; fax: 727-570-5583; e-mail: Steve.Branstetter@noaa.gov.

SUPPLEMENTARY INFORMATION: The commercial penaeid shrimp fishery in the South Atlantic Region is managed under the FMP. The FMP was prepared by the South Atlantic Fishery Management Council (Council) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The FMP and implementing regulations at 50 CFR 622.35(d) provide the procedures, criteria, and authority for a concurrent closure of the EEZ adjacent to South Atlantic states that have closed their waters to harvest of brown, pink, and white shrimp to protect the white shrimp spawning stock that has been severely depleted by cold weather. Consistent with those procedures and criteria, the states of Georgia and South Carolina have determined, based on standardized

assessments, that unusually cold temperatures have resulted in at least an 80-percent reduction of the white shrimp populations in their respective state's waters. Both states have closed their waters to the harvest of brown, pink, and white shrimp and have requested that the Council recommend that NMFS implement a concurrent closure of the EEZ off Georgia and South Carolina. The Council convened a review panel to evaluate the data supporting the states' requests. Based on the review panel's recommendation, the Council approved the states' requests and requested that NMFS concurrently close the EEZ off Georgia and South Carolina to the harvest of brown, pink, and white shrimp. NMFS has determined that the recommended closure conforms with the procedures and criteria specified in the FMP and implementing regulations, the Magnuson-Stevens Act, and other applicable law and, therefore, implements the closure effective March 13, 2001. The closure will be effective until the ending dates of the closures in the respective states' waters, but may be ended earlier based on the states' request. In no case will the closure remain effective after June 15, 2001. NMFS will terminate the closure of the EEZ by filing a notification to that effect with the Office of the Federal Register.

During the closure, no person may: (1) trawl for brown, pink, or white shrimp in the EEZ off Georgia or South Carolina; (2) possess on board a fishing vessel brown, pink, or white shrimp in or from the EEZ off Georgia or South Carolina unless the vessel is in transit through the area and all nets with a mesh size of less than 4 inches (10.2 cm) are stowed below deck; or (3) use or have on board a vessel trawling in that part of the EEZ off Georgia or South Carolina that is within 25 nautical miles of the baseline from which the territorial sea is measured a trawl net with a mesh size less than 4 inches (10.2 cm).

Classification

This action responds to the best available information recently obtained from the fishery. The closure must be implemented immediately to protect the severely depleted spawning stock of white shrimp off Georgia and South Carolina and avoid overfishing. This action complements closures already imposed by the respective states. Any delay in implementing this action would be impractical and contradictory to the Magnuson-Stevens Act, the FMP, and the public interest. NMFS finds for good cause, that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C.

553(d), a delay in the effective date is waived.

This action is authorized by 50 CFR 622.35(d) and is exempt from review under Executive Order 12866.

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

Dated: March 13, 2001.

Bruce C. Morehead,

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

[FR Doc. 01-6623 Filed 3-13-01; 4:24 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 000822244-1060-03;
I.D. 030201B]

RIN 0648-AO66

Fisheries Off West Coast States and in the Western Pacific Western Pacific Pelagic Fisheries; Hawaii-based Pelagic Longline Area Closure

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

ACTION: Emergency interim rule; notification of closure; clarification of closure requirements; request for comments.

SUMMARY: NMFS announces that the limit on the number of longline sets specified for Hawaii longline fishing restricted Area B, from January 1, 2001, through March 14, 2001, will not be reached. Therefore, NMFS will allow longline fishing to continue in Area B through March 14, 2001. Further, NMFS clarifies that from March 15, 2001 through May 31, 2001, the use of longline gear by vessels registered for use under Hawaii longline limited access permits (Hawaii-based longliners) is prohibited everywhere. Closure of Hawaii's longline fishery takes effect at 0001 hours local time (l.t.) on March 15, 2001, at which time all Hawaii longliners at sea must have ceased fishing operations, removed their longline gear from the water, and be in active transit to the next port of call.

DATES: This emergency interim rule is effective from March 14, 2001 through August 20, 2001.

ADDRESSES: Send comments regarding any ambiguity or unnecessary complexity arising from the language used in this rule to Dr. Charles Karnella, NMFS, Pacific Islands Area Office

(PIAO), 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814-4700.

FOR FURTHER INFORMATION CONTACT:

Alvin Katekaru, PIAO, at 808-973-2935, ext. 207.

SUPPLEMENTARY INFORMATION:

Emergency interim measures (66 FR 11120, February 22, 2001) governing the Hawaii-based longline fishery require the NMFS Southwest Region Regional Administrator to inform Hawaii-based longliners when further use of longline gear to fish for Pacific pelagic management unit species is prohibited in Hawaii Longline Fishing Restricted Area B (all waters bounded on the south by 28° N. lat., on the north by 44° N. lat., on the east by 137° W. long. and on the west by 150° W. long; and all waters bounded on the south by 28° N. lat., on the north by 44° N. lat., on the east by 168° W. long. and on the west by 173° E. long.). Based on longline observer information, the total amount of longline fishing effort expended by Hawaii-based longliners in Area B through March 14, 2001, will be close to, but less than, the limit of 77 longline sets allowed in the area; therefore, closure of Area B will coincide with closure of the Hawaii-based longline fishery on March 15, 2001.

At present, emergency measures prohibit the use of longline gear in Hawaii Longline Fishing Restricted Area A (waters bounded on the south by 28° N. lat., on the north by 44° N. lat., on the east by 150° W. long., and on the west by 168° W. long.). For Area B (previously described) and Hawaii Longline Fishing Restricted Area C (waters bounded on the south by 0° lat., on the north by 28° N. lat., on the east by 137° W. long., and on the west by 173° E. long.), longline fishing is prohibited from March 15, 2001, through May 31, 2001. Closure of Areas B and C, in addition to the currently closed Area A, is intended to comply with an order issued by the U.S. District Court for the District for Hawaii (Order Further Amending Order Modifying Provisions of Order of Injunction, August 4, 2000) in *Center for Marine Conservation v. NMFS*, Civ. No. 99-00152. Under the Order, longline fishing by Hawaii-based longliners is prohibited from March 15, 2001, through May 31, 2001.

When the emergency interim measures to close the Hawaii longline fishery were initially promulgated on August 25, 2000 (65 FR 51992), NMFS surmised that closing the longline fishing restricted areas, which encompass about 10 million square miles of the central and western Pacific Ocean, from March 15, 2001, through

May 31, 2001, would effectively close the fishery. However, longline logbook information from August 1, 2000, through December 31, 2000, indicates that Hawaii longliners made at least 28 longline sets (19 sets east of 147° W. longitude and 9 sets west of 173° E. longitude) outside Areas A, B, and C. In this emergency interim rule, NMFS makes clear that the use of longline gear by Hawaii-based longliners is prohibited everywhere, inside and outside Areas A, B, and C.

The emergency interim rule also clarifies that closure of the Hawaii longline fishery takes effect at 0001 hours l.t. on March 15, 2001, at which time all Hawaii-based longliners must have ceased fishing operations, removed their longline gear from the water, and be in active transit to their next port of call.

This emergency interim rule is authorized under section 305(c)(3)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), has determined that clarification of the emergency interim rule is necessary to comply with a valid order of the U.S. District Court.

The AA finds for good cause that providing prior notice and opportunity for public comment for this action is unnecessary given that the Court ordered the specific actions contained in this emergency interim rule, thus precluding implementation of any alternative, and is impracticable given the Court's deadline to close the fishery on March 15, 2001. Similarly, the AA finds, for good cause, under 5 U.S.C. 553(d)(3), that delaying the effectiveness of this emergency interim rule for 30 days is impracticable given the Court's deadline. Accordingly, the AA is making this emergency interim rule effective from March 14, 2001 through August 20, 2001.

Because this emergency interim rule is not required to be published with notice and opportunity for public comment under 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act do not apply.

This emergency interim rule has been determined to be not significant for purposes of Executive Order 12866.

The President has directed Federal Agencies to use plain language in their communications with the public, including regulations. To comply with this directive, we seek public comment on any ambiguity or unnecessary complexity arising from the language