

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

#### **§ 73.622 [Amended]**

2. Section 73.622(b), the Table of Digital Television Allotments under South Carolina, is amended by removing DTV channel 38 and adding DTV channel 39 at Sumter.

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Services Division, Mass Media Bureau.*

[FR Doc. 01-4324 Filed 2-21-01; 8:45 am]

BILLING CODE 6712-01-P

### **FEDERAL COMMUNICATIONS COMMISSION**

#### **47 CFR Part 73**

[DA 01-347; MM Docket No. 00-171; RM-9926]

#### **Radio Broadcasting Services; Wells and Woodville, TX**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document reallots Channel 234C2 from Woodville, Texas, to Wells, Texas, and modifies the license for Station KVLL to specify operation on Channel 234C2 at Wells in response to a petition filed by Radio Woodville, Inc. See 65 FR 59162, October 4, 2000. The coordinates for Channel 234C2 at Wells are 31-12-37 and 94-57-15.

**DATES:** Effective March 26, 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, MM Docket No. 00-171, adopted January 31, 2001, and released February 9, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800, facsimile (202) 857-3805.

#### **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:

#### **47 CFR PART 73—[AMENDED]**

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 Texas, is amended by removing Woodville, Channel 234C2 and adding Wells, Channel 234C2.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 01-4321 Filed 2-21-01; 8:45 am]

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### **DEPARTMENT OF COMMERCE**

#### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 660**

[Docket No. 000831250-0250-01; I.D. 013100D]

#### **Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Change in Pacific Mackerel Incidental Catch**

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

**ACTION:** Fishing restrictions.

**SUMMARY:** NMFS announces changes to the restriction on landings of Pacific mackerel for individuals participating in the coastal pelagic species (CPS) fishery and for individuals involved in other fisheries who harvest small amounts of Pacific mackerel. The incidental limit on landings of 20 percent by weight of Pacific mackerel in landings of Pacific sardine, northern anchovy, jack mackerel, and market squid remains in effect; however, CPS fishermen may land up to 1 metric ton (mt) of Pacific mackerel even if they land no other species from the trip. Non-CPS fisherman may land no more than 1 mt or Pacific mackerel per trip. After the harvest guideline of 20,740 mt is reached, all landings of Pacific mackerel will be restricted to 1 mt per trip. This action is authorized by the Coastal Pelagic Species Fishery Management Plan (FMP) and is intended to ensure that the fishery achieves, but does not exceed, the harvest guideline while minimizing the economic impact on small businesses.

**DATES:** Effective February 22, 2001.

#### **FOR FURTHER INFORMATION CONTACT:**

James J. Morgan, Southwest Region, NMFS, 562-980-4036.

**SUPPLEMENTARY INFORMATION:** NMFS closed the directed fishery for Pacific mackerel in the exclusive economic zone (EEZ) off the Pacific coast at 12:01 a.m. on October 27, 2000, and imposed an incidental landing limit of 20 percent by weight of Pacific mackerel in landings of Pacific sardine, jack mackerel, northern anchovy, and market squid (65 FR 65272, November 1, 2000, and 65 FR 69483, November 17, 2000). At the time of the closure, 17,829 mt of the 20,740-mt harvest guideline had been landed. The remaining 2,911 mt was needed to allow for an incidental landing of Pacific mackerel by vessels fishing for other coastal pelagic species so that restricting the harvest of other species would not be necessary.

The Pacific Fishery Management Council's (Council) Coastal Pelagic Species Management Team has reviewed the conduct of the fishery through November and December, including the needs of the non-CPS fisheries. Section 2.4 of the FMP provides for setting a small incidental harvest for non-CPS fisheries to minimize discards, but until this action no provision had been made for these harvesters during this fishing season.

There also will be a need to implement further restriction on harvests of Pacific mackerel if the harvest guideline is reached before the end of the fishing season on June 30, 2001, so that bycatch can be minimized. As a result, the Council has recommended that no more than 1 mt of Pacific mackerel may be landed per trip by CPS and non-CPS fishermen after the harvest guideline is reached. This measure will be implemented when the harvest guideline is reached, and announced in the **Federal Register**. The NMFS Southwest Regional Administrator has decided to take this action in accordance with the FMP and its implementing rules. This action was reviewed by members of the Council's Coastal Pelagic Species Advisory Subpanel, the Council, and the State of California.

For the reasons stated here and in accordance with the FMP and its implementing regulations, the following incidental limits are in effect for harvesters of Pacific mackerel:

No fishing vessel may land more than 1 mt of Pacific mackerel per fishing trip, except that fishing vessels with other CPS on board may land more than 1 mt of Pacific mackerel in a fishing trip if the total amount of Pacific mackerel on board the vessel does not exceed 20

percent by weight of the combined weight of all CPS on board the vessel.

#### Classification

This action is required by 50 CFR 660.509 and is exempt from review under Executive Order 12866.

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

Dated: February 14, 2001.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 01-4416 Filed 2-21-01; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 000822244-01; I.D. 082100B]

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; extension of expiration date.

**SUMMARY:** This action extends an emergency interim rule, now in effect, governing the Hawaii-based pelagic longline fishery. The rule closes certain waters to fishing; imposes fishing gear, landing and transshipment restrictions, effort limitations, and fish sale restrictions; and requires increased observer coverage for the fishery. By extending the emergency interim rule that is effective through February 21, 2001, NMFS continues implementation of an order issued by the U.S. District Court for the District of Hawaii while an environmental impact statement (EIS) is being completed for the Fishery Management Plan for Pelagic Fisheries of the Western Pacific Region (FMP).

**DATES:** This emergency interim rule is effective from February 22, 2001, through August 20, 2001.

**ADDRESSES:** Copies of the environmental assessment prepared for the emergency interim rule may be obtained from Dr. Charles Karnella, Administrator, Pacific Islands Area Office (PIAO), NMFS, 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI, 96814-4700.

**FOR FURTHER INFORMATION CONTACT:** Alvin Katekaru, PIAO, 808-973-2937.

**SUPPLEMENTARY INFORMATION:** On August 4, 2000, the U.S. District Court for the District of Hawaii, in the case *Center for Marine Conservation v. NMFS*, issued an Order Further Modifying Provisions of Order of Injunction that was implemented by NMFS by an emergency interim rule promulgated on August 25, 2000 (65 FR 51992, August 25, 2000). As intended by the order, the emergency interim rule reduces adverse impacts to sea turtles by the Hawaii-based longline fishery while NMFS prepares an EIS that analyzes the environmental effects of fishing activities conducted under the FMP. The EIS is scheduled for completion by April 1, 2001.

The emergency interim rule, which was revised on November 3, 2000 (65 FR 66186, November 3, 2000), prohibits vessels registered for use with Hawaii longline limited access permits from fishing activities throughout the year in waters between 28° N. and 44° N. lat., from 150° W. to 168° W. long. ("Area A"); limits vessels registered for use with Hawaii longline limited access permits to a total of 154 sets from August 10 through December 31, 2000, and a total of 77 sets from January 1 through March 14, 2001, and requires 100-percent observer coverage for these vessels in waters between 28° N. and 44° N. lat., from 137° W. to 150° W. long., and in waters between 28° N. and 44° N. lat., from 168° W. to 173° E. long. (both areas collectively designated "Area B"). The rule also prohibits Hawaii-based longliners operating in waters between 0° lat. (equator) and 28° N. lat., from 137° W. and 173° E. long. ("Area C") from engaging in directed fishing effort for swordfish; requires deployment of longline gear so that the deepest point of the longline between any two floats reaches a depth greater than 100 m (328.1 ft) below the sea surface; requires permit holders or operators to donate to charity at least 30 percent of their gross revenues from the sale of incidentally caught swordfish from Area C; and prohibits longline vessels from possessing lightsticks aboard the vessels if fishing occurs in any portion of Area C.

Further, pursuant to the Court's Order, NMFS provided observer coverage for the Hawaii longline fishery in Area C at a minimum level of 10 percent by September 21, 2000, and increased the level to 20 percent before November 7, 2000. To ensure these levels of coverage, this rule requires any Hawaii-based longline vessel that NMFS has exempted from carrying NMFS-approved observers in Area C for a specific fishing trip to have aboard the vessel a valid observer waiver form

issued by NMFS. For Areas B and C, longline fishing activities are prohibited from March 15 through May 3. During the closure, Pacific pelagic management unit species harvested in Areas B and C (all year in Area A) are prohibited from being landed or transhipped to Hawaii.

This extension of the emergency interim rule implements the Court's order for an additional 180 days until August 20, 2001, unless prior to that expiration date, NMFS completes the environmental impact statement for the FMP and the Court lifts the injunction contained in its Order dated August 4, 2000. Although NMFS has reorganized the sequence of several paragraphs in §§ 660.22 and 660.33(d) and (e), this emergency interim rule is substantively identical to the emergency interim rule published August 25, 2000, as amended by the rule published on November 3, 2000.

Extension of 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 extension 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 rule is unnecessary given that the Court ordered the specific actions contained in this rule, thus precluding implementation of any alternative, and is impracticable given the Court's deadline. Similarly, the AA finds, for good cause, under 5 U.S.C. 553(d)(3), that delaying the effectiveness of this rule for 30 days is impracticable given the Court's deadline. Accordingly, the AA is making this rule effective from February 22, 2001, through August 20, 2001.

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

#### List of Subjects in 50 CFR Part 660

Administrative practice and procedure, American Samoa, Fisheries, Fishing, Guam, Hawaiian Natives, Indians, Northern Mariana Islands, Reporting and recordkeeping requirements.

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