

**Authority:** Section 1848 of the Social Security Act (42 U.S.C. 1395w-4).

(Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: March 8, 2001.

**Brian P. Burns,**

*Deputy Assistant Secretary for Information Resources Management.*

[FR Doc. 01-6310 Filed 3-13-01; 8:45 am]

BILLING CODE 4120-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 01-333; MM Docket No. 98-112, RM-9027, RM-9268, RM-9384]

#### Radio Broadcasting Services; Anniston and Ashland, AL, and College Park, GA

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; denial of petition for reconsideration.

**SUMMARY:** This document denies a Petition for Reconsideration filed by Preston Small directed to the *Report and Order* in this proceeding which substituted Channel 263C3 for Channel 263C at Anniston, Alabama, allotted Channel 264A to Ashland, Alabama, reallocated Channel 263C3 to College Park, Georgia, and modified the license of Station WHMA to specify operation on Channel 263C3 at College Park. See 65 FR 31498, May 18, 2000.

**FOR FURTHER INFORMATION CONTACT:** Robert Hayne, Mass Media Bureau, (202) 418-2177.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Memorandum Opinion and Order* in MM Docket No. 98-112, adopted February 7, 2001, and released February 9, 2001. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Information Center at Portals II, CY-A257, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3805, 1231 M Street, NW., Washington, DC 20036. Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 01-5829 Filed 3-13-01; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 230

[Docket No. 001120325-1053-02, I.D. 122800B]

RIN 0648-AO77

#### Whaling Provisions: Aboriginal Subsistence Whaling Quotas

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

**ACTION:** Aboriginal subsistence whaling quota.

**SUMMARY:** NMFS announces the 2001 aboriginal subsistence whaling quota for gray whales. For 2001, the quota is zero gray whales landed, but may be revised later in the year. This quota governs the harvest of gray whales by members of the Makah Indian Tribe (Tribe).

**DATES:** Effective March 14, 2001.

**ADDRESSES:** Office of Protected Resources, National Marine Fisheries Service, 1315 East West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Cathy Campbell, (202) 482-2652.

**SUPPLEMENTARY INFORMATION:** Aboriginal subsistence whaling in the United States is governed by the Whaling Convention Act (16 U.S.C. 916 *et seq.*) and rules at 50 CFR part 230. The rules requires the Secretary of Commerce to publish, at least annually, aboriginal subsistence whaling quotas and any other limitations on aboriginal subsistence whaling deriving from regulations of the International Whaling Commission (IWC).

At the 1997 Annual Meeting of the IWC, the Commission set quotas for aboriginal subsistence use of gray whales from the Eastern stock in the North Pacific. This action by the IWC thus authorized aboriginal subsistence whaling by the Tribe for gray whales, and is discussed in greater detail in the **Federal Register** notification (64 FR 28413, May 26, 1999).

On June 9, 2000, the United States Court of Appeals for the Ninth Circuit ruled that the Department of Commerce's environmental assessment (EA) under the National Environmental Policy Act (NEPA) should have been completed before agreeing to request a gray whale quota from the IWC. The Court ordered the agency to prepare a new NEPA document under circumstances that would ensure an objective evaluation of the

environmental consequences of the gray whale harvest.

NOAA completed a draft EA on January 12, 2001 and solicited public comments. NMFS is currently preparing a final EA. NOAA set the 2000 quota at zero (65 FR 75186) and is now setting the 2001 quota at zero pending completion of the NEPA analysis.

Dated: March 5, 2001.

**William T. Hogarth,**

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

[FR Doc. 01-6350 Filed 3-13-01; 8:45 am]

BILLING CODE 3510-22-S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 000913257-0257-01; I.D. 081800D]

RIN 0648-AO52

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Prohibition of Trap Gear in the Royal Red Shrimp Fishery in the Gulf of Mexico

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

**ACTION:** Emergency interim rule; extension of expiration date.

**SUMMARY:** An emergency interim rule that prohibits the use of trap gear in the royal red shrimp fishery within the exclusive economic zone (EEZ) of the Gulf of Mexico is in effect through March 18, 2001. NMFS extends that emergency interim rule for an additional 180 days. The intended effect is to prevent gear conflict and overfishing in the royal red shrimp fishery.

**DATES:** The expiration date for the emergency interim rule published at 65 FR 56500, September 19, 2000, is extended from March 18, 2001, through September 14, 2001.

**ADDRESSES:** Copies of documents supporting this action, such as the economic analysis and environmental assessment, may be obtained from the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702, telephone: 727-570-5325; fax: 727-570-5583.

Comments on any ambiguity or unnecessary complexity arising from the language used in this emergency interim rule should be directed to Rod Dalton,

Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

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

**SUPPLEMENTARY INFORMATION:** The shrimp fishery of the Gulf of Mexico is managed under the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of Mexico Fishery Management Council (Council) and was approved and implemented by NMFS, under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), through regulations at 50 CFR part 622.

In response to a request from the Council, NMFS published an interim rule (65 FR 56500, September 19, 2000), under section 305(c)(1) of the Magnuson-Stevens Act, that prohibits the use of trap gear in the royal red shrimp fishery within the EEZ of the Gulf of Mexico. This action was, and remains, necessary to prevent gear conflict and overfishing in the royal red shrimp fishery.

Under section 305(c)(3)(B) of the Magnuson-Stevens Act, NMFS may extend the effectiveness of an emergency interim rule for one additional period of 180 days, provided the public has had an opportunity to comment on the rule and the Council is actively preparing an FMP amendment to address the emergency on a permanent basis. NMFS solicited comments on the initial emergency rule; no public comments were received. The Council recently adopted final measures for FMP Amendment 11 that would address gear conflicts in the royal red shrimp fishery and overfishing of the royal red shrimp resource. If approved and implemented by NMFS, those measures would replace this emergency interim rule. The effectiveness of the initial emergency interim rule is being extended because the potential for gear conflicts and overfishing remain, and action to address these issues through Amendment 11 cannot be taken by March 18, 2001.

Additional details concerning the basis for emergency action to prohibit the use of trap gear in the royal red shrimp fishery are contained in the preamble to the initial emergency interim rule and are not repeated here.

#### Classification

The Assistant Administrator for Fisheries, NOAA (AA), has determined that the extension of this emergency

interim rule is necessary to prevent gear conflict and overfishing in the royal red shrimp fishery. The AA has also determined that this rule is consistent with the Magnuson-Stevens Act and other applicable laws.

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

NMFS prepared an economic evaluation of the regulatory impacts associated with the emergency interim rule that is summarized as follows.

Currently, trap gear is not an authorized gear in the royal red shrimp fishery in the Gulf of Mexico. Trap gear is not on the list of authorized fishing gear for this fishery (see 50 CFR 600.725) and, therefore, is not allowed. However, consistent with the guidelines contained in 50 CFR 600.725, an individual fisherman may notify the Council of the intent to use a gear not on the list. Ninety days after such notification, the individual may use the gear unless regulatory action is taken to prohibit the use of such gear. The Council was notified on June 16, 2000, of an intent to use trap gear in the royal red fishery. This emergency interim rule is designed to maintain the status quo in the fishery until such time as the Council can prepare and submit to NMFS for review and approval FMP Amendment 11 that would prohibit the use of trap gear in the royal red shrimp fishery on a permanent basis. Because the emergency interim rule is designed to maintain the status quo situation where trap gear is not authorized in the royal red shrimp fishery, there are no economic consequences to the current participants in the fishery.

Copies of the economic evaluation are available (see **ADDRESSES**).

This extension of the interim rule will help to ensure avoidance of gear conflict and overfishing in the royal red shrimp fishery until a more permanent regulatory solution can be implemented. This extension of the emergency interim rule does not impose new or additional restrictions, rather, it maintains the status quo condition regarding allowable gear in the royal red shrimp fishery (i.e., trap gear is not allowed). Accordingly, under authority set forth at 5 U.S.C. 553(b)(B), the AA finds that these reasons constitute good cause to waive the requirement to provide prior notice and the opportunity for prior public comment, as such procedures would be contrary to the public interest. For these same reasons, under 5 U.S.C. 553(d)(3), the AA finds for good cause that a delay in the effective date of this emergency interim rule would be contrary to the public interest.

Because prior notice and an opportunity for public comment are not required to be provided for this emergency interim rule by 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

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 used in this emergency interim rule. Comments should be sent to the Southeast Regional Office (see **ADDRESSES**).

Dated: March 6, 2001.

**William T. Hogarth**

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

[FR Doc. 01-6351 Filed 3-13-01; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 010112013-1013-01; I.D. 030801B]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Catching Pollock for Processing by the Mothership Component in the Bering Sea and Aleutian Islands Management Area

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

**ACTION:** Closure.

**SUMMARY:** NMFS is prohibiting directed fishing for pollock by vessels catching pollock for processing by the mothership component in the Steller sea lion conservation area (SCA) of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary because the A season limit of pollock total allowable catch (TAC) specified to the mothership component for harvest within the SCA has been reached.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), March 9, 2001, until 1200 hrs, A.l.t., April 1, 2001.

**FOR FURTHER INFORMATION CONTACT:** Andrew Smoker, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the