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BILLING CODE 4910-15-M

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[FCC 01-241, MM Docket No. 97-107, RM-9023]

**FM Broadcasting Services; Pottsville and Saltillo, MS****AGENCY:** Federal Communications Commission.**ACTION:** Final rule; application for review, denied.

**SUMMARY:** In MM Docket No. 97-107, the Commission denied an application for review filed by Olvie E. Sisk, licensee of Station WCNA(FM), Channel 240C3 (95.9 MHz), Potts Camp, Mississippi. Sisk had requested review of the Report and Order, 64 FR 38,592, published July 19, 1999, which the Commission denied because it found that the staff had properly denied in the Report and Order Sisk's petition for rulemaking (RM-9023) seeking the reallocation of Channel 240C3 from Potts Camp to Saltillo, Mississippi. The staff relied upon strong Commission policy against removal of a community's sole aural broadcast transmission service absent a compelling showing that a waiver of this prohibition is warranted. Sisk's allegations of his station's financial peril fell well short of justifying such a waiver. With this action, the proceeding is terminated.

**FOR FURTHER INFORMATION CONTACT:** J. Bertron Withers, Jr., Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Memorandum Opinion and Order, MM Docket 97-107, adopted August 23, 2001, and released August 29, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Information Center (room CY-A257), 445 12th Street, SW, Washington, DC 20554. The complete text of this decision may be also purchased from the Commission's copy contractor, Quallex International Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554.

Federal Communications Commission.

**Magalie Roman Salas,**  
*Secretary.*

[FR Doc. 01-27781 Filed 11-5-01; 8:45 am]

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 300**

[Docket No. 011005243-1243-01; I.D. 102401B]

**International Fisheries Regulations; Pacific Tuna Fisheries; Establishment of Incidental Catch Limit for Yellowfin Tuna Taken by the U.S. Purse Seine Fishery in the Eastern Pacific Ocean****AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.**ACTION:** Fishing restrictions; request for comments.

**SUMMARY:** NMFS announces that the 2001 yellowfin tuna quota has been reached and a 15-percent incidental catch limit is now in effect for yellowfin tuna taken in the U.S. purse seine fishery in the Commission's Yellowfin Regulatory Area (CYRA) of the Inter-American Tropical Tuna Commission (IATTC) through the remainder of 2001. This action is taken in accordance with a resolution adopted by the IATTC and approved by the Department of State (DOS).

**DATES:** Effective 12:01 a.m., October 28, 2001, through 11:59 p.m., December 31, 2001. Comments will be accepted through November 21, 2001.

**ADDRESSES:** Submit comments to Rodney R. McInnis, Acting Regional Administrator, Southwest Region (Regional Administrator), NMFS, 501 W. Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213.

**FOR FURTHER INFORMATION CONTACT:** Svein Fougner at 562-980-4040.

**SUPPLEMENTARY INFORMATION:** This action is taken under the authority of the regulations at 50 CFR part 300, subpart C, which implement the Tuna Conventions Act (16 U.S.C. 955). The United States is a member of the IATTC, which was established under the Convention for the Establishment of an Inter-American Tropical Tuna Commission signed in 1949. The IATTC was established to provide an international arrangement to ensure the effective international conservation and management of tunas and tuna-like fishes in the Convention Area. The IATTC maintains a scientific research and fishery monitoring program and annually assesses the status of stocks of tuna and tuna fisheries to determine appropriate harvest limits or other measures to prevent overexploitation of

the stocks and promote viable fisheries. The Convention Area is all waters of the eastern Pacific Ocean between 40° N. lat. and 40° S. lat. and east of 150° W. long. The boundary of the CYRA is described at 50 CFR 300.21.

At its annual meeting in June 2001, the IATTC adopted a resolution (which was subsequently agreed to by the DOS) recommending that action be taken by member nations and other fishing nations to limit the catch of yellowfin tuna in 2001 to 250,000 metric tons (mt), with the potential to increase the quota by up to three increments of 20,000 mt each (or a total quota of 310,000 mt) if the Director of IATTC concluded, based on catch and effort data, that the higher level of harvest would not pose a substantial danger of overfishing to the stocks.

Under regulations at 50 CFR 300.29(a), the Regional Administrator is authorized to notify tuna purse seine vessel owners and agents directly of any quotas and associated regulatory measures that have been recommended by the IATTC and approved by the DOS. On September 12, 2001, the Regional Administrator notified the vessel owners and agents of the 2001 yellowfin tuna quota and the incidental catch limit that would go into effect when the quota was reached. NMFS also announced the 2001 yellowfin tuna quota and incidental catch limit to the public in the **Federal Register** at 66 FR 53735, October 24, 2001.

Under regulations at 50 CFR 300.29(b), when advised by the Director of Investigations of the IATTC that a quota has been or is projected to be reached, the Regional Administrator may close the fishery and establish incidental catch allowances by direct notification to the owners or agents of U.S. vessels who are fishing in or are eligible to fish in the Convention Area. As soon as practicable after being advised of the closure, NMFS will publish the announcement in the **Federal Register**. The Director of Investigations of the IATTC advised the Regional Administrator on October 11, 2001, that the 2001 quota, including all 3 incremental increases, was projected to be reached on October 27, 2001, and that incidental catch limits would be in effect for the rest of the year. Accordingly, the incidental catch limit for yellowfin tuna taken in purse seine gear will go into effect on October 28, 2001, and last through calendar year 2001. That is, from October 28, 2001, through December 31, 2001, any individual purse seiner when fishing for other species of tuna may retain a maximum of 15-percent of yellowfin