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[FR Doc. 01-22741 Filed 9-12-01; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 2**

[ET Docket Nos. 00-258 and 95-18, IB Docket No. 99-81; FCC 01-224]

Introduction of New Advanced Mobile and Fixed Terrestrial Wireless Services; Use of Frequencies Below 3 GHz**AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

SUMMARY: This document resolves issues raised in petitions for reconsideration of a prior Commission decision adopting a band arrangement for the 1990-2025 MHz and 2165-2200 MHz Mobile Satellite Service bands. The action is taken to coordinate our actions in this proceeding with various pending matters involving the Mobile Satellite Service and to respond to the outstanding petitions.

DATES: Effective September 13, 2001.**FOR FURTHER INFORMATION CONTACT:** John Spencer, 202-418-1310.

SUPPLEMENTARY INFORMATION: This is a summary of the Memorandum Opinion and Order (MO&O) portion of the Commission's Memorandum Opinion and Order and Further Notice of Proposed Rulemaking in ET Docket No. 00-258, ET Docket No. 95-18, and IB Docket No. 99-81, adopted August 9, 2001, and released August 20, 2001. The Further Notice of Proposed Rulemaking portion of this decision is published elsewhere in this edition of the **Federal Register**. The complete text of this Memorandum Opinion and Order and Further Notice of Proposed Rulemaking is available for inspection and copying during normal business hours in the FCC Reference Information Center, Courtyard Level, 445 12th Street, S.W., Washington, DC, and also may be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554.

Synopsis of the MO&O

1. In this MO&O, together with the associated Further Notice of Proposed Rulemaking, the Commission continues to explore possible use of frequency bands below 3 GHz to support the introduction of new advanced mobile and fixed terrestrial wireless services

(advanced wireless services), including third generation (3G) and future generations of wireless systems. The MO&O resolves in part two petitions for reconsideration of decisions the Commission made in a Report and Order in August 2000 (R&O), which adopted licensing and service rules for the 2 GHz Mobile Satellite Service (MSS), and which provided spectrum for all then-pending systems. The R&O can be found at 65 FR 59140, October 4, 2000. Two parties, Globalstar, L.P. (Globalstar) and Final Analysis Communication Services, Inc. (Final Analysis) filed timely requests for reconsideration of the R&O.

2. Globalstar sought reconsideration of the Commission's decisions that two blocks of 3.5 megahertz each is a sufficient minimum amount of spectrum for each operator, to defer establishing a mechanism for redistributing abandoned spectrum, and not to adopt Globalstar's proposed "all-shared" licensing arrangement. Final Analysis argued that the Commission should have made abandoned spectrum available not just for 2 GHz MSS systems proposing voice (among other) services, but to all MSS proponents, including those proposing or providing exclusively non-voice services. Globalstar and Final Analysis also sought reconsideration of the Commission's decision to reserve spectrum for system expansion by systems that target service to unserved areas. Final Analysis asked that eligibility to apply for the expansion spectrum not be limited to 2 GHz MSS systems, and that other MSS systems be permitted to apply for the reserved spectrum.

3. The MO&O grants in part Globalstar's and Final Analysis's petitions for reconsideration. Specifically, the Commission reconsiders the decision in the R&O to defer "until after achievement of each of our system implementation milestones" evaluation of whether to redistribute abandoned spectrum or make it available to new entrants. The Commission also reconsiders its decision to reserve a segment of the 2 GHz MSS spectrum for system expansion.

4. The MO&O denies, however, Globalstar's petition for reconsideration insofar as it sought adoption of its "all-shared" licensing arrangement. The MO&O also denies Final Analysis's request for reconsideration of the Commission's decision to defer the issue of enhanced 911 (E911) requirements for 2GHz MSS proponents until the matter can be more appropriately addressed in the Global

Mobile Personal Communications by Satellite Proceeding. (See Notice of Proposed Rulemaking in IB Docket No. 99-67, 64 FR 16687, April 6, 1999.)

Ordering Clauses

5. The petition for reconsideration of the 2 GHz MSS R&O filed by Globalstar, L.P. is granted to the extent indicated and is otherwise denied.

6. The petition for reconsideration of the 2 GHz MSS R&O filed by Final Analysis Communications Services, Inc., is granted to the extent indicated and is otherwise denied.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01-23046 Filed 9-12-01; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 52****Toll Free Service Access Codes***CFR Correction*

In Title 47 of the Code of Federal Regulations, parts 40 to 69, revised as of October 1, 2000, part 52 is corrected by adding § 52.111, to read as follows:

§ 52.111 Toll free number assignment.

Toll free numbers shall be made available on a first-come, first-served basis unless otherwise directed by the Commission.

[FR Doc. 01-55527 Filed 9-12-01; 8:45 am]

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 010112013-1013-01; I.D. 091001A]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in Statistical Area 630 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the C season allowance of the pollock

total allowable catch (TAC) for Statistical Area 630.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), September 10, 2001, until 1200 hrs, A.l.t., October 1, 2001.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

Within any fishing year, under harvest or over harvest of a seasonal allowance of pollock may be added to or subtracted from the subsequent seasonal allowances of pollock in a manner to be determined by the Administrator, Alaska Region, NMFS (Regional Administrator), provided that a revised seasonal allowance does not exceed 30 percent of the annual TAC apportionment (§ 679.20(a)(5)(ii)(C)). The combined A, B, and C season allowance of the pollock TAC in Statistical Area 630 is 16,821 metric tons (mt), as established by the Final

2001 Harvest Specifications and Associated Management Measures for the Groundfish Fisheries Off Alaska (66 FR 7276, January 22, 2001 and 66 FR 37167, July 17, 2001). The Regional Administrator has determined that the A and B seasonal catch was in excess of the allowances by 2,050 mt and that the excess shall be proportionately subtracted from the subsequent seasonal allowances. The Regional Administrator hereby decreases the C season pollock TAC by 1,118 mt. In accordance with § 679.20(a)(5)(ii)(C), the C season allowance of pollock TAC in Statistical Area 630 is 7,492 mt.

In accordance with § 679.20(d)(1)(i), the Regional Administrator, has determined that the C season allowance of the pollock TAC in Statistical Area 630 will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 7,292 mt, and is setting aside the remaining 200 mt as bycatch to support other anticipated groundfish fisheries. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 630 in the GOA.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained

from the fishery. The Assistant Administrator for Fisheries, NOAA, finds that the need to immediately implement this action to prevent exceeding the seasonal allocation of pollock in Statistical Area 630 constitutes good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(3)(B) and 50 CFR 679.20(b)(3)(iii)(A), as such procedures would be unnecessary and contrary to the public interest. Similarly, the need to implement these measures in a timely fashion to prevent exceeding the seasonal allocation of pollock in Statistical Area 630 constitutes good cause to find that the effective date of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: September 10, 2001.

Bruce Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 01-23006 Filed 9-10-01; 2:46 pm]

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