

(C) Begin delivering Phase II enhanced 911 service to the PSAP.

(ii) Within two years or by December 31, 2004, whichever is later, undertake reasonable efforts to achieve 100 percent penetration of location-capable handsets among its subscribers.

(3) For all 911 calls from portable or mobile phones that do not contain the hardware and/or software needed to enable the licensee to provide Phase II enhanced 911 service, the licensee shall, after a PSAP request is received, support, in the area served by the PSAP, Phase I location for 911 calls or other available best practice method of providing the location of the portable or mobile phone to the PSAP.

(4) Licensees employing handset-based location technologies shall ensure that location-capable portable or mobile phones shall conform to industry interoperability standards designed to enable the location of such phones by multiple licensees.

(h) *Phase II accuracy.* Licensees subject to this section shall comply with the following standards for Phase II location accuracy and reliability:

(1) For network-based technologies: 100 meters for 67 percent of calls, 300 meters for 95 percent of calls;

(2) For handset-based technologies: 50 meters for 67 percent of calls, 150 meters for 95 percent of calls.

(3) For the remaining 5 percent of calls, location attempts must be made and a location estimate for each call must be provided to the appropriate PSAP.

(i) *Reports on phase II plans.* Licensees subject to this section shall report to the Commission their plans for implementing Phase II enhanced 911 service, including the location-determination technology they plan to employ and the procedure they intend to use to verify conformance with Phase II accuracy requirements, by October 1, 2000. Licensees are required to update these plans within thirty days of the adoption of any change. These reports and updates may be filed electronically in a manner to be designated by the Commission.

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 99-2378; MM Docket No. 98-123; RM-9291]

#### Radio Broadcasting Services; Marysville and Hilliard, OH

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** The Commission, at the request of Citicasters Co., reallots Channel 289A from Marysville to Hilliard, Ohio, as the community's first local aural service, and modifies the license of Station WZAZ-FM accordingly. See 63 FR 49252, July 28, 1998. Channel 289A can be allotted to Hilliard in compliance with the Commission's minimum distance separation requirements with a site restriction of 2.8 kilometers (1.8 miles) northeast, at coordinates 40-03-26 North Latitude and 83-08-36 West Longitude, to accommodate petitioner's desired transmitter site. Canadian concurrence in the allotment has been obtained since Hilliard is located within 320 kilometers (200 miles) of the U.S.-Canadian border.

**DATE:** Effective December 13, 1999.

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 98-123, adopted October 20, 1999, and released October 29, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

#### 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:

#### PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

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

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Ohio, is amended by removing Marysville, Channel 289A and adding Hilliard, Channel 289A.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 99-28852 Filed 11-3-99; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 76

[CS Docket No. 98-61; FCC 99-13]

#### 1998 Biennial Regulatory Review—"Annual Report of Cable Television Systems," Form 325

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

**SUMMARY:** The Commission's amendments to 47 CFR 76.403 which contain information collection requirements became effective on July 1, 1999. These amendments which were published in the **Federal Register** on May 25, 1999 relate to revising and streamlining the Form 325, "Annual Report of Cable Television Systems," which solicits basic operational information from cable television systems.

**DATES:** The amendments to 47 CFR 76.403 published at 64 FR 28106 (May 25, 1999) became effective on July 1, 1999.

**FOR FURTHER INFORMATION CONTACT:** Karen Kosar, Consumer Protection and Competition Division, Cable Services Bureau at (202) 418-1053.

#### SUPPLEMENTARY INFORMATION:

1. On March 31, 1999, the Commission released a Report and Order regarding the Form 325, a summary of which was published in the **Federal Register**. See 64 FR 28106 (May 25, 1999). The Report and Order modifies and streamlines the Form 325 and reduces the number of cable system operators required to file the form. Because the rule imposed modified information collection requirements, the amendments to 47 CFR 76.403 could not become effective until approved by the Office of Management and Budget ("OMB"). OMB approved the rule changes on July 1, 1999.

2. The **Federal Register** summary stated that the Commission would publish a document announcing the

effective date of the rule changes requiring OMB approval. The amendments to 47 CFR 76.403 became effective July 1, 1999. This publication satisfies the statement that the Commission would publish a document announcing the effective date of the rule changes requiring OMB approval.

#### **List of Subjects in 47 CFR Part 76**

Cable television.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 99-28662 Filed 11-3-99; 8:45 am]

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## **DEPARTMENT OF COMMERCE**

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

#### **50 CFR Part 622**

[Docket No. 990722200-9292-02; I.D. 060899D]

RIN 0648-AG88

#### **Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coral Reef Resources of Puerto Rico and the U.S. Virgin Islands; Amendment 1**

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues this final rule to implement Amendment 1 to the Fishery Management Plan for Corals and Reef Associated Plants and Invertebrates of Puerto Rico and the US Virgin Islands (FMP). The rule establishes a marine conservation district (MCD) in the exclusive economic zone in an area known as the Hind Bank, southwest of St. Thomas, U.S. Virgin Islands (USVI). Within the MCD, fishing for any species and anchoring by fishing vessels is prohibited. The intended effect is to protect important marine resources.

**DATES:** This final rule is effective December 6, 1999.

**ADDRESSES:** Copies of the final regulatory flexibility analysis (FRFA) for this final rule may be obtained from the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702. Copies of Amendment 1, which includes a regulatory impact review (RIR), a initial regulatory flexibility analysis (IRFA), and a final supplemental environmental impact statement (FSEIS), may be obtained from the Caribbean Fishery

Management Council (Council), 268 Munoz Rivera Avenue, Suite 1108, San Juan, PR 00918-2577; telephone 787-766-5926.

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

Michael Barnette, Southeast Regional Office, NMFS; telephone 727-570-5305.

**SUPPLEMENTARY INFORMATION:** The fishery for coral reef resources off Puerto Rico and the US Virgin Islands is managed under the FMP prepared by the Caribbean Fishery Management Council (Council) and approved and implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

On June 21, 1999, NMFS announced the availability of Amendment 1 and requested comments on the amendment through August 20, 1999 (64 FR 33041). On August 3, 1999, NMFS published a proposed rule to implement the measures in Amendment 1 and requested comments on the rule through September 17, 1999 (64 FR 42068). The background and rationale for the measures in the amendment and proposed rule are contained in the preamble to the proposed rule and are not repeated here. On September 17, 1999, after considering the comments on the amendment and proposed rule received through August 20, 1999, NMFS approved Amendment 1.

#### **Comments and Responses**

NMFS received three comments supporting Amendment 1 and the proposed rule. One commenter stated in two separate comments that the Hind Bank MCD: Will provide valuable protection to spawning aggregations of depleted reef fish and offer protection to essential fish habitat from physical damage from fishing and anchoring gear; more than meets the FMP's conservation-related criteria for establishing marine conservation districts; will make the area involved off limits to fishing gear and to anchoring on coral so that further damage will be prevented and the habitat given a chance to recover; will protect depleted snappers and groupers and provide the only existing federal replenishment refuge off St. Thomas to help rebuild these stocks; and will offer full protection for red hind spawning aggregations with the eventual result of there being more red hind outside the no-take zone. The third commenter, the U.S. Fish and Wildlife Service, indicated that it supports Amendment 1 as necessary to achieve habitat management benefits to allow the Council and the Territory to meet

fishery population protection and recovery goals. NMFS concurs with these comments and has approved Amendment 1 and is implementing it by this rule.

#### **Classification**

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

The Regional Administrator, Southeast Region, NMFS, with the concurrence of the Assistant Administrator for Fisheries, NOAA, determined that Amendment 1 is necessary for the conservation and management of the fisheries and coral resources of the USVI. Furthermore, Amendment 1 was determined to be consistent with the Magnuson-Stevens Act and other applicable law.

A FSEIS was prepared for Amendment 1 and filed with the Environmental Protection Agency. A notice of FSEIS availability was published on July 30, 1999 (64 FR 41420).

NMFS prepared an FRFA for this final rule implementing Amendment 1. The FRFA was based on the IRFA, which in turn was based on the Council's RIR supporting Amendment 1. No public comments on the IRFA were received. A summary of the FRFA follows.

The coral habitats in the US Caribbean are considered to be limited and have been seriously degraded, resulting in negative impacts on the fishery resources and the surrounding ecosystem. The MCD is established to protect the coral habitat and the ecosystem and to evaluate the effectiveness of a reserve in increasing the level of fish stocks surrounding the reserve. Relevant FMP conservation and management objectives are: (1) To conserve and protect the species in the fishery management unit; (2) To minimize adverse human impacts on the resources; and (3) To provide for special management of reef and sea grass habitats of particular concern through the establishment of reserves or other protected areas. There were no public comments on the IRFA, and no economic impact issues were raised by public comments. During 1995-96, 121 commercial fishermen reported harvests occurring in the general vicinity of the MCD, and an estimated 20 to 30 of these small entities are thought to have conducted fishing activities within the MCD. The IRFA defined the universe to be all 121 of the small entities because all will be affected either by displacement from the MCD or because of competition from other vessels displaced from the MCD. The 121 vessels landed about 390,000 lb