

**DATES:** Comments must be filed on or before November 19, 2001, and reply comments on or before December 4, 2001.

**ADDRESSES:** Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Katherine Pyeatt, 6655 Aintree Circle, Dallas, Texas 75214.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 01-262, adopted September 19, 2001, and released September 28, 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, 445 Twelfth Street, SW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Qualex International Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

#### PART 73—RADIO BROADCAST SERVICES

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 adding La Pryor, Channel 278A.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 01-25915 Filed 10-15-01; 8:45 am]

**BILLING CODE 6712-01-P**

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[DA 01-2251; MM Docket No. 01-263; RM-10280; MM Docket No. 01-264; RM-10281; MM Docket No. 01-265; RM-10282; MM Docket No. 01-266; RM-10283; MM Docket No. 01-267; RM-10289]

**Radio Broadcasting Services; Junction, TX; Chino Valley, AZ; Arkadelphia, AR; Aspermont, TX; Cotulla, TX**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a five petitions for rulemaking proposing new channels. A petition filed by Maurice Salsa, proposing the allotment of Channel 292A at Junction, Texas as that community's second commercial FM transmission service. Channel 292A can be allotted to Junction without a site restriction at coordinates 30-29-21NL and 99-46-18 WL. Mexican concurrence will be requested for this allotment. A petition filed by Charles Crawford proposing the allotment of Channel 223A at Chino Valley, Arizona, as the community's second local service. Channel 223A can be allotted at Chino Valley at a site 6 kilometers (3.7 miles) west of the community at coordinates 34-46-10 NL and 112-31-03 WL. A petition filed by Charles Crawford proposing the allotment of Channel 228A at Arkadelphia, Arkansas, as the community's second local FM service. Channel 228A can be allotted at Arkadelphia at a site 11.5 kilometers (7.2 miles) west of the community at coordinates 34-07-1-NL and 93-10-43 WL. A petition filed by Jeraldine Anderson proposing the allotment of Channel 226C2 at Aspermont, Texas, as the community's first local aural transmission service. Channel 226C2 can be allotted at Aspermont at a site 6.7 kilometers (4.1 miles) north of the community at coordinates 33-11-27 NL and 100-14-50 WL. A petition filed by Jeraldine

Anderson proposing the allotment of Channel 289A at Cotulla, Texas, as the community's second local service. Channel 289A can be allotted at Cotulla at a site 5.0 kilometers (3.1 miles) southwest of the community. Mexican concurrence will be requested for this allotment.

**DATES:** Comments must be filed on or before November 19, 2001, and reply comments on or before December 4, 2001.

**ADDRESSES:** Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, as follows: Maurice Salsa, 5616 Evergreen Valley Drive, Kingwood, TX 77345 (petitioner for Junction, TX); Charles Crawford, 4553 Bordeaux Ave., Dallas, TX 75205 (petitioner for Chino Valley, AZ and Arkadelphia, AR); Jeraldine Anderson, 1702 Cypress Drive, Irving, TX 75061 (petitioner for Aspermont, TX and Cotulla, TX).

**FOR FURTHER INFORMATION CONTACT:** Victoria McCauley, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket Nos. 01-263, 01-264, 01-265, No. 01-266, and 01-267, adopted September 19, 2001, and released September 28, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY-A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone (202) 863-2893.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications

Commission proposes to amend 47 CFR part 73 as follows:

### **PART 73—RADIO BROADCAST SERVICES**

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 Arkansas, is amended by adding Channel 228A at Arkadelphia.

3. Section 73.202(b), the Table of FM Allotments under Arizona, is amended by adding Channel 223A at Chino Valley.

4. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Channel 292A at Junction, Channel 289A at Cotulla, and Aspermont, Channel 226C2.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 01-25916 Filed 10-15-01; 8:45 am]

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### **FEDERAL COMMUNICATIONS COMMISSION**

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

**[FCC 01-286]**

#### **Noncommercial Educational Television**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** In this document, the Commission seeks comment on whether modification of the license of WQEX(TV), to specify operation on nonreserved Channel 16, will promote the public interest, convenience and necessity, and also, whether the channel, if dereserved, should be subject to competing applications.

**DATES:** Comments December 17, 2001.

**FOR FURTHER INFORMATION CONTACT:** Joyce L. Bernstein (202) 418-1600, Video Services Division, Mass Media Bureau.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making ("NPRM") entitled, *Amendment of the Television Table of Allotments to Delete Noncommercial Reservation of Channel \*16, 482-488 MHz, Pittsburgh, Pennsylvania*, FCC No. 01-286, released October 11, 2001. The full text of this NPRM is available for inspection and copying during normal business hours

in the FCC Reference Room, Room CY-A257, Portals II, 445 12th Street, SW., 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 NPRM**

On January 9, 2001 WQED Pittsburgh (QED), licensee of noncommercial educational television stations WQED(TV), Channel \*13 and WQEX(TV), Channel \*16, Pittsburgh, Pennsylvania, filed a "Petition to Delete Noncommercial Reservation." In its petition, QED requests that the Commission amend §§ 73.606 and 73.622 of the Commission's rules, *see* 47 CFR 73.606 (NTSC channels) and 73.622 (DTV channels), to remove the noncommercial reservation of Channel \*16 and permit QED to sell WQEX(TV) as a commercial television station without opening the channel to competing applications, and use the net proceeds to further WQED(TV)'s noncommercial broadcast operation. In the Memorandum Opinion and Order portion of the document, the Commission denies QED's request to dereserve Channel \*16. However, in the NPRM section of the document, the Commission commences a rule making proceeding to determine whether modification of the license of WQEX(TV), to specify operation on nonreserved Channel 16, will promote the public interest, convenience and necessity, and also, whether the channel, if dereserved, should be subject to competing applications.

#### **List of Subjects in 47 CFR Part 73**

Education, Television.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 01-25997 Filed 10-15-01; 8:45 am]

**BILLING CODE 6712-01-P**

### **DEPARTMENT OF COMMERCE**

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

#### **50 CFR Part 223**

**[I.D. 092501A]**

#### **Availability of a Draft Environmental Assessment/Finding of No Significant Impact and Receipt of an Application for an Incidental Take Permit (1347)**

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

**ACTION:** Notice of availability.

**SUMMARY:** NMFS has received an application for an incidental take permit (Permit) from the Washington Department of Fish and Wildlife (WDFW) pursuant to the Endangered Species Act of 1973, as amended (ESA). As required by the ESA, WDFW has also prepared a conservation plan (Plan) designed to minimize and mitigate any such take of endangered or threatened species. The Permit application is for the incidental take of ESA-listed adult and juvenile salmonids associated with otherwise lawful artificial propagation programs for non-listed species in the upper Columbia River and its tributaries in the state of Washington. The duration of the proposed Permit and Plan is 5 years. The Permit application includes the proposed Plan, and three Hatchery and Genetic Management Plans (HGMPs) submitted by WDFW. NMFS also announces the availability of a draft Environmental Assessment (EA) for the Permit application. NMFS is furnishing this notification in order to allow other agencies and the public an opportunity to review and comment on these documents. All comments received will become part of the public record and will be available for review pursuant to the ESA.

**DATES:** Written comments from interested parties on the Permit application, Plan, HGMPs, and draft EA must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific daylight time on November 15, 2001.

**ADDRESSES:** Written comments on the application, Plan, HGMPs, or draft EA should be sent to Tim Tynan, Sustainable Fisheries Division, F/NWO3, 510 Desmond Drive, Suite 103, Olympia, WA 98503. Comments may also be sent via fax to 360-753-9517. Comments will not be accepted if submitted via e-mail or the Internet. Requests for copies of the Permit application, Plan, HGMPs, and draft EA should be directed to the Sustainable Fisheries Division, F/NWO3, 510 Desmond Drive, Suite 103, Olympia, WA 98503. The documents are also available on the Internet at <http://www.nwr.noaa.gov/>. Comments received will also be available for public inspection, by appointment, during normal business hours by calling 360-753-9579.

**FOR FURTHER INFORMATION CONTACT:** Tim Tynan, Olympia, WA (ph: 360/753-9579, fax: 360/753-9507, e-mail: [Tim.Tynan@noaa.gov](mailto:Tim.Tynan@noaa.gov)).