

**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 Colorado, is amended by removing Channel 279C2 and adding 279C1 at Ridgway, and by removing Channel 279C1 and adding Channel 257C1 at Rangely.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Office of Broadcast License Policy, Media Bureau.*

[FR Doc. 02-14673 Filed 6-10-02; 8:45 am]

**BILLING CODE 6712-01-P**

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

[DA 02-1247; MB Docket No. 02-119; RM-10435]

**Radio Broadcasting Services; Clarksdale and Friars Point, MS**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed on behalf of CSN International, licensee of Station WWUN-FM, Channel 268A, Clarksdale, Mississippi. The petition proposes to change the community of license of Station WWUN-FM from Clarksdale to Friars Point, Mississippi and to upgrade Channel 268A, Station WWUN-FM, to Channel 268C3, pursuant to the provisions of Section 1.420(i) of the Commission's Rules. The coordinates for requested Channel 268C3 at Friars Point, Mississippi, are 34-25-30 NL and 90-35-39 WL.

Petitioner's reallocation proposal complies with the provisions of Section 1.420(i) of the Commission's Rules, and therefore, the Commission will not accept competing expressions of interest in the use of Channel 268C3 at Friars Point, Mississippi, or require the petitioner to demonstrate the availability of an additional equivalent class channel.

**DATES:** Comments must be filed on or before July 15, 2002, and reply comments on or before July 30, 2002.

**ADDRESSES:** Secretary, Federal Communications Commission, 445 12th Street, SW., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Cary S. Tepper, Esq; Booth, Freret, Imlay & Tepper, P.C.; 5101 Wisconsin Ave., NW., Suite 307; Washington, DC 20016-4120.

**FOR FURTHER INFORMATION CONTACT:** R. Barthen Gorman, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 02-119, adopted May 15, 2002, and released May 24, 2002. The full text of this Commission decision is available for inspection and copying during regular business hours in the FCC's Reference Information Center at Portals II, 445 12th Street, SW., CY-A257, Washington, DC, 20554. This document may also be purchased from the Commission's duplicating contractors, 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](mailto:qualexint@aol.com).

The 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.

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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 Mississippi, is amended by adding Channel 268C3 at Friars Point, and removing Channel 268A at Clarksdale.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Office of Broadcast License Policy, Media Bureau.*

[FR Doc. 02-14674 Filed 6-10-02; 8:45 am]

**BILLING CODE 6712-01-P**

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

[DA 02-1160; MB Docket No. 02-105; RM-10396]

**Radio Broadcasting Services; Boonville, CA**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on the proposed substitution of Channel 300A for vacant Channel 241A at Boonville, California. This channel change will allow Station KSXY(FM), Channel 240A, Healdsburg, California to discontinue using a directional FM antenna and to increase its power to maximum Class A (equivalent) FM facilities. Coordinates used for this proposal are 39-01-33 NL and 123-29-33 WL.

**DATES:** Comments must be filed on or before July 15, 2002, and reply comments on or before July 30, 2002.

**ADDRESSES:** Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Howard M. Weiss, Esq. and Alison J. Shapiro, Esq., Fletcher, Heald & Hildreth, P.L.C.; 1300 North 17th Street, 11th Floor; Arlington, Virginia 22209.

**FOR FURTHER INFORMATION CONTACT:** R. Barthen Gorman, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 02-105, adopted May 15, 2002, and released May 24, 2002. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 Twelfth Street, SW., Washington, DC. This document may also be purchased from the

Commission's duplicating contractors, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 202-863-2893, or via e-mail [qualexint@aol.com](mailto: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* contacts.

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

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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 California, is amended by adding Channel 300A and removing Channel 241A at Boonville.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Office of Broadcast License Policy, Media Bureau.*

[FR Doc. 02-14675 Filed 6-10-02; 8:45 am]

BILLING CODE 6712-01-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### Endangered and Threatened Wildlife and Plants; Candidate Status Review for Rio Grande Cutthroat Trout

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of candidate status review.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service) announce the results of the candidate status review for the Rio Grande cutthroat trout

(*Oncorhynchus clarki virginalis*) under the Endangered Species Act of 1973, as amended. After a review of all available scientific and commercial information, we have determined that listing of the Rio Grande cutthroat trout is not warranted at this time.

**DATES:** The finding announced in this document was made on June 3, 2002.

**ADDRESSES:** You may submit comments regarding this notice to the Supervisor, U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office, 2105 Osuna Road NE, Albuquerque, New Mexico 87113. Written comments and materials received in response to this notice will be available for public inspection, by appointment, during normal business hours at the New Mexico Field Office.

**FOR FURTHER INFORMATION CONTACT:** Joy E. Nicholopoulos, Field Supervisor, U.S. Fish and Wildlife Service, 2105 Osuna Road NE, Albuquerque, New Mexico 87113. (505) 346-2525 ext 106.

#### SUPPLEMENTARY INFORMATION:

##### Background

On February 25, 1998, we received a petition from Kieran Suckling, of the Southwest Center for Biological Diversity requesting that the Service add the Rio Grande cutthroat trout (*Oncorhynchus clarki virginalis*) to the list of threatened and endangered species. The petition addressed the range-wide distribution of the Rio Grande cutthroat trout that includes populations in Colorado and New Mexico. Section 4(b)(3)(B) of the Endangered Species Act (Act) requires that we make a finding on whether a petition to list, delist or reclassify a species presents substantial scientific or commercial information indicating that the petitioned action is—(a) not warranted; (b) warranted; or (c) warranted but precluded by listing proposals of higher priority. We subsequently published a notice of a 90-day finding in the **Federal Register** (63 FR 49062) on September 14, 1998. In the 90-day finding we concluded that the petition did not present substantial information indicating that listing of the Rio Grande cutthroat trout may be warranted.

On June 9, 1999, a complaint was filed by the Southwest Center for Biological Diversity challenging the September 14, 1998, 90-day petition finding as violating the Act and the Administrative Procedures Act. While the litigation was pending, we received information (particularly related to the presence of whirling disease in hatchery fish in the wild) that led us to believe that further review of the status of the

species was warranted. On November 8, 2001, a settlement agreement executed by both parties (the Service and the Southwest Center for Biological Diversity) was filed with the court. The settlement stipulates that we will initiate a candidate status review for the Rio Grande cutthroat trout. The settlement also stipulates that on or before June 3, 2002, we will make a determination concerning the results of this review and, shortly thereafter, we will publish our determination in the **Federal Register**. The agreement also states that we will not vacate our previous determination in the interim.

#### Biogeography and Taxonomy

The Rio Grande cutthroat trout (RGCT) is a subspecies of cutthroat trout, endemic to the Rio Grande, Pecos, and possibly the Canadian River Basins in New Mexico and Colorado. The first specimens that were collected for scientific purposes came from Ute Creek in Costilla County, Colorado. Girard described these fish as *Salar virginalis* in 1856 (Behnke 1967). Cutthroat trout are distinguished by the red to orange slashes in the throat folds beneath the lower jaw. Rio Grande cutthroat trout have irregular shaped spots that are concentrated behind the dorsal fin (largest fin on the back), smaller less numerous spots located primarily above the lateral line anterior to the dorsal fin, and basibranchial (located on the floor of the gill chamber) teeth that are minute or absent. Rio Grande cutthroat trout are light rose to red-orange on the sides and pink or yellow-orange on the belly.

The historical distribution of RGCT is not known with certainty. In general, it is assumed that RGCT occupied all streams capable of supporting trout in the Rio Grande and Pecos basins (Stumpff and Cooper 1996). It is unclear if RGCT were also present in the Canadian River Basin. The Pecos River is a tributary of the Rio Grande, so a historic connection between RGCT in the two basins is possible. The Canadian River, tributary to the Mississippi River, has no connection with the Rio Grande. It is possible that through headwater capture (a tributary from one watershed joins with a tributary from another), there may have been natural migration of fish between the Pecos and Canadian headwater streams. However, because trout were moved and stocked frequently beginning in the 1800s, the difficulties in correctly identifying fish, and errors in locality records make it difficult to know if early reports of trout from the Canadian River headwaters were indeed RGCT. Genetic testing of RGCT from the three basins using