

§ 7.20 Review and disposition of informal complaints.

(a) Where it appears from the defendant's answer, or from other communications with the parties, that an informal complaint has been satisfied, the Commission may, in its discretion, consider the informal complaint closed, without response to the complainant or defendant. In all other cases, the Commission shall inform the parties of its review and disposition of a complaint filed under this subpart. Where practicable, this information, the nature of which is specified in paragraphs (b) through (d) of this section, shall be transmitted to the complainant and defendant in the manner requested by the complainant, (e.g., letter, facsimile transmission, telephone (voice/TRS/TTY), Internet e-mail, ASCII text, audio-cassette recording, or braille).

(b) In the event the Commission determines, based on a review of the information provided in the informal complaint and the defendant's answer thereto, that no further action is required by the Commission with respect to the allegations contained in the informal complaint, the informal complaint shall be closed and the complainant and defendant shall be duly informed of the reasons therefor. A complainant unsatisfied with the defendant's response to the informal complaint and the staff decision to terminate action on the informal complaint may file a formal complaint with the Commission, as specified in § 7.22 of this subpart.

(c) In the event the Commission determines, based on a review of the information presented in the informal complaint and the defendant's answer thereto, that a material and substantial question remains as to the defendant's compliance with the requirements of this subpart, the Commission may conduct such further investigation or such further proceedings as may be necessary to determine the defendant's compliance with the requirements of this subpart and to determine what, if any, remedial actions and/or sanctions are warranted.

(d) In the event that the Commission determines, based on a review of the information presented in the informal complaint and the defendant's answer thereto, that the defendant has failed to comply with or is presently not in compliance with the requirements of this subpart, the Commission may order or prescribe such remedial actions and/or sanctions as are authorized under the Act and the Commission's rules and which are deemed by the Commission

to be appropriate under the facts and circumstances of the case.

§ 7.21 Formal complaints, applicability of §§ 1.720 through 1.736 of this chapter.

Formal complaints against a manufacturer or provider, as defined under this subpart, may be filed in the form and in the manner prescribed under §§ 1.720 through 1.736 of this chapter. Commission staff may grant waivers of, or exceptions to, particular requirements under §§ 1.720 through 1.736 for good cause shown; provided, however, that such waiver authority may not be exercised in a manner that relieves, or has the effect of relieving, a complainant of the obligation under §§ 1.720 and 1.728 of this chapter to allege facts which, if true, are sufficient to constitute a violation or violations of section 255 of the Act or this chapter.

§ 7.22 Formal complaints based on unsatisfied informal complaints.

A formal complaint filing based on an unsatisfied informal complaint filed pursuant to § 4.16 of this chapter shall be deemed to relate back to the filing date of the informal complaint if it is filed within ninety days from the date that the Commission notifies the complainant of its disposition of the informal complaint and based on the same operative facts as those alleged in the informal complaint.

§ 7.23 Actions by the Commission on its own motion.

The Commission may on its own motion conduct such inquiries and hold such proceedings as it may deem necessary to enforce the requirements of this part and Section 255 of the Communications Act. The procedures to be followed by the Commission shall, unless specifically prescribed in the Act and the Commission's rules, be such as in the opinion of the Commission will best serve the purposes of such inquiries and proceedings.

[FR Doc. 99-30091 Filed 11-18-99; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

[DA 99-2453; MM Docket No. 90-189; RM-6904; RM-7114; RM-7186; RM-7415; RM-7298]

Radio Broadcasting Services; Farmington, Grass Valley, Jackson, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule, petition for reconsideration.

SUMMARY: This document grants a Petition for Reconsideration filed by Gold Country Communications, Inc. directed to the *First Report and Order* in this proceeding. See 61 FR 42190, published August 14, 1996. Specifically, this document sets aside the upgrade of Station KNCO, Grass Valley, California, to Channel 232B1, the allotment of Channel 232A to Farmington, California, and the modification of the license of Station KNGT, Jackson, California, to Channel 259A. As a result of these actions, this document upgrades Station KNGT, Jackson, California, to Channel 232B1. To accommodate this upgrade, this document also modifies the license of Station KNCO, Grass Valley, California, to Channel 231A. The reference coordinates for Channel 232B1 at Jackson, California, are 38-24-44 and 120-35-32. The reference coordinates for Channel 231A at Grass Valley, California, are 39-14-44 and 120-57-52. With this action, the proceeding is terminated.

EFFECTIVE DATE: December 23, 1999.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau, (202) 418-2177.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Memorandum Opinion and Order* in MM Docket No. 90-189, adopted October 27, 1999, and released November 5, 1999. The full text of this decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 12th Street, SW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, D.C. 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 California, is amended by removing Channel 232A at Farmington.

3. Section 73.202(b), the Table of FM Allotments under California, is amended by removing Channel 232B1 and adding Channel 231A at Grass Valley.

4. Section 73.202(b), the Table of FM Allotments under California, is amended by removing Channel 259A and adding Channel 232B1 at Jackson.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99-30171 Filed 11-18-99; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 99040113-01; I.D. 093099B]

Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Commercial Reopening from Cape Flattery to Leadbetter Point, WA

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

ACTION: Reopening; request for comments.

SUMMARY: NMFS announces that the commercial salmon fishery in the area between Cape Alava to Leadbetter Point, WA for all salmon except chinook reopened on September 22, 1999, with the suspension of certain gear restrictions and the coho trip limit. The fishery closed as scheduled on September 30, 1999, and will not reopen. There were 12,027 coho remaining in the quota when the fishery opened. This action was necessary to conform to the 1999 management measures and is intended to ensure conservation of chinook salmon.

DATES: Reopening the commercial salmon fishery effective 0001 hours local time (l.t.), September 22, 1999, from the area between Cape Alava to Leadbetter Point, WA. Comments will be accepted through December 6, 1999.

ADDRESSES: Comments may be mailed to William Stelle, Jr., Regional Administrator, Northwest Region, NMFS, NOAA, 7600 Sand Point Way NE., Bldg. 1, Seattle, WA 98115-0070. Information relevant to this document is available for public review during business hours at the Office of the Regional Administrator, Northwest Region, NMFS.

FOR FURTHER INFORMATION CONTACT: William Robinson, 206-526-6140.

SUPPLEMENTARY INFORMATION:

Background

In the 1999 management measures for ocean salmon fisheries (64 FR 24078, May 5, 1999), NMFS announced that the commercial fishery for all salmon from Cape Flattery (48°23'00" N. lat.) to Cape Alava (48°10'00" N. lat.) West of 125°05'00" W. long. and Cape Alava to Leadbetter Point, WA, would open July 10, 1999, through the earliest of September 30, 1999, or attainment of the overall chinook quota (preseason 4,500 chinook guideline) or 20,000 coho quota. NMFS also made several other earlier inseason adjustments to this fishery which can be found in the **Federal Register** at [64 FR 42856, August 6, 1999], [64 FR October 18, 1999], and [64 FR 62127, November 16, 1999].

Salmon Inseason Actions

On September 20, 1999, the Regional Administrator consulted with representatives of the Pacific Fishery Management Council (Council), the Washington Department of Fish and Wildlife (WDFD), and the Oregon Department of Fish and Wildlife (ODFW) to discuss the status of catch in the commercial salmon fisheries north of Cape Falcon. During the recent 9-day opener for all salmon except chinook, from September 5, 1999, until September 13, 1999, only 337 coho were landed. With a landed catch so low, primarily caused by rough weather conditions and low fishing effort, the chinook hooking mortality impacts were also low. Therefore, a majority of the 770 chinook previously set aside to compensate for mortalities related to chinook hooked and released during the 9-day commercial opener targeting coho still remained. The States, therefore, recommended that the fishery reopen on September 22, 1999, and close as scheduled on September 30, 1999, with the continued suspension of certain gear restrictions (no more than 4 spreads per line; gear restricted to plugs 6 in (15.2 cm) or longer; flashers without hooks may be used if installed below the second spread from the top and will not be counted as a spread; and no more than one flasher per line), and the coho trip limit (where each vessel may possess, land and deliver no more than 100 coho per open period). As recommended, NMFS reopened the commercial salmon fishery in the area between Cape Alava to Leadbetter Point, WA, for all salmon except chinook on September 22, 1999, through the end of the season on September 30, 1999, with

the continued suspension of certain gear restrictions and also the suspension of the coho trip limit.

Modification of fishing seasons is authorized by regulations at 50 CFR 660.409(b)(1). All other restrictions applicable to this fishery remained in effect as announced in the annual management measures.

In making these decisions, the Regional Administrator consulted with representatives of the Council, WDFW, and ODFW. The States of Washington and Oregon will manage the commercial fisheries in State waters adjacent to this area of the EEZ in accordance with this Federal action. As provided by the inseason notification procedures of 50 CFR 660.411, actual notification to fishermen of this action was given prior the effective date by telephone hotline numbers 206-526-6667 and 800-662-9825, and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 kHz. Because of the need for immediate action to make inseason adjustments to allow harvest, NMFS has determined that good cause exists for this action to be issued without affording a prior opportunity for public comment. This action does not apply to other fisheries that may be operating in other areas.

Classification

This action is authorized by 50 CFR 660.409 and 660.411 and is exempt from review under E.O. 12866.

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

Dated: November 8, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99-30271 Filed 11-18-99; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 990304063-9063-01; I.D. 111299B]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands.

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

ACTION: Modification of a closure.

SUMMARY: NMFS is opening directed fishing for Pacific cod by vessels using