

In FR Doc. 00-10221 published on April 25, 2000 (65 FR 24168) add the following information.

### Regulatory Flexibility Act

As required by Section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis ("IRFA") of the expected impact on small entities of the policies and rules proposed in this Second Further Notice of Proposed Rule Making. Written public comments are requested on the IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the Second Further Notice of Proposed Rule Making provided above in section V(D). The Secretary shall send a copy of this Notice, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act.

**Reason for Action:** In order to reexamine our cellular service rules as they apply to the Gulf of Mexico Service Area ("GMSA") we initiated this rulemaking proceeding. Since the establishment of the GMSA, conflict has arisen between the GMSA licensees, and the land-based cellular service providers in the Gulf of Mexico Region over the provision of service to coastal areas. Further, the United States Court of Appeals for the District of Columbia Circuit has instructed us to reexamine certain of our cellular licensing policies insofar as they apply to GMSA licensees.<sup>1</sup>

**Objectives:** Our objectives in this rulemaking proceeding are (1) to establish comprehensive rules that will reduce conflict between GMSA licensees and land-based cellular service providers, (2) provide regulatory flexibility, to GMSA licensees, that recognizes the inherent transitory nature of water-based cellular cites, and (3) award licenses so as to maximize the use of spectrum in, and provide high quality service to, highly traveled coastal waters.

**Legal Basis:** The proposed action is authorized under the Communications Act, Sections 4(i), 7, 303(c), 303(f), 303(g), 303(r), and 332, 47 U.S.C. §§ 154(i), 303(c), 303(f), 303(g), 303(r), 332, as amended.

**Description of and, Number of, Small Entities Affected by the Proposed Rule:** The rule changes proposed in this proceeding will affect all small businesses which provide cellular service in the GMSA or coastal areas.

The Commission will be required, in its Final Regulatory Flexibility Analysis, to estimate the number of small entities to which the rule will apply, provide a description of such entities, and assess the impact of the rule on such entities. To assist in this analysis, commenters are requested to provide information regarding how many total entities, existing and potential, will be affected by the rules proposed in this Second Further Notice of Proposed Rulemaking. We particularly seek estimates of the number of entities, existing and potential, that will be considered small businesses. The definition of "small business" approved by the Small Business Administration, and used in the PCS C-Block auction, is a firm that has had revenues of less than \$40 million in each of the last three calendar years.<sup>2</sup> We seek comment as to whether it would be appropriate to extend this definition to this context. We further request that each commenter identify whether it is a small business under this definition. If the commenter is a subsidiary of another entity, this information should be provided for both subsidiary and the parent entity.

**Reporting, Recordkeeping, and Other Compliance Requirements:** This information is supplied in the Paper Work reduction Act, *infra*.

**Federal Rules Which Overlap, Duplicate or Conflict With These Rules:** None.

**Any Significant Alternatives Minimizing the Impact on Small Entities Consistent with the Stated Objectives:**

The objective of the current rulemaking proceeding is to improve the quality of service provided in the Gulf region, and to establish rules that accurately reflect the realities of both water-based and land-based service providers. To the extent that this rulemaking modifies existing regulations, it is our objective to communicate a benefit to all service providers in the Gulf region without regard to the size of the entity. The impact on small entities in the proposals in the Second Further Notice of Proposed Rulemaking is the opportunity to provide service in accordance with a regulatory framework that accurately reflects the geographic and demographic realities of the region. Given the low burden of compliance, reporting, and performance requirements for the provision of cellular service, no alternatives to these requirements were deemed necessary for small entities. This Second Further

Notice of Proposed Rulemaking solicits comment on the variety of alternatives discussed herein, any significant alternatives submitted in the comments will be considered.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 00-24643 Filed 9-25-00; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 00-2111, MM Docket No. 99-284; RM-9697]

### Radio Broadcasting Services; Galveston and Missouri City, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests further comment on a proposal filed on behalf of KQQK License, Inc., licensee of Station KQQK-FM, Channel 293C, Galveston, Texas, proposing the reallocation of Channel 293C from Galveston to Missouri City, Texas, and the modification of the Station KQQK-FM license to specify Missouri City as the community of license. 64 FR 55223, published October 12, 1999. The original *Notice of Proposed Rule Making* proposed the modification of the Station KQQK-FM license as a first local service for Missouri City. However, on August 30, 2000, the Commission adopted a *Report and Order* in MM Docket No. 99-26, DA 00-2057, released September 8, 2000, which substituted Channel 287A for Channel 285A at Galveston, Texas, reallocated Channel 287A to Missouri City, and modified the license of Station KLTO to specify operation on Channel 287A at Missouri City. As a consequence, the proposal in this proceeding will no longer be providing a first local service to Missouri City. For this reason, the Commission is affording KQQK License and other interested parties an opportunity to comment on the proposal in the context of a competitive service for Missouri City and the removal of the sole local FM service from Galveston.

**DATES:** Comments must be filed on or before November 7, 2000, and reply comments on or before November 22, 2000.

**ADDRESSES:** Secretary, Federal Communications Commission, Washington, DC, 20554. In addition to filing comments with the FCC,

<sup>1</sup> *Petroleum Comms., Inc. v. FCC*, 22 F.3d 1164 (D.C. Cir. 1994).

<sup>2</sup> See Implementation of Section 309(j) of the Communications Act — Competitive Bidding, PP Docket No. 93-253, Fifth Report and Order, 9 FCC Rcd 5532, 5608, ¶ 175 (1994).

interested parties should serve the petitioner's counsel, as follows: Lawrence Roberts, Mary L. Plantamura, c/o Davis Wright Tremaine, LLP, 1155 Connecticut Ave. NW Suite 700, Washington, D.C. 20036.

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

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Further Notice of Proposed Rule Making* in MM Docket No. 99-284, adopted September 13, 2000, and released September 15, 2000. The full text of this Commission action is available for inspection and copying during normal business hours in the FCC Reference Information Center at Portals II, CY-A257, 445 12th Street, SW, Washington, D.C. The complete text of this action may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, Washington, D.C. 20036.

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.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 00-24646 Filed 9-25-00; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 00-2116; MM Docket No. 00-169; RM-9953]

### Radio Broadcasting Services; Oswego and Granby, NY

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed on behalf of Galaxy Communications, L.P., licensee of Station WTKV(FM), Channel 288A,

Oswego, New York, requesting the reallocation of Channel 288A from Oswego to Granby, New York, and modification of its authorization accordingly, pursuant to the provisions of Section 1.420(i) of the Commission's Rules. Coordinates used for requested Channel 288A at Granby, New York are 43-17-00 and 76-25-00. Canadian concurrence in the allotment must be obtained because Granby is located within 320 kilometers (199 miles) of the U.S.-Canadian border.

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 288A at Granby, New York, or require the petitioner to demonstrate the availability of an additional equivalent class channel.

**DATES:** Comments must be filed on or before November 6, 2000, and reply comments on or before November 21, 2000.

**ADDRESSES:** Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Sally A. Buckman, H. Anthony Lehv and Janet Y. Shih; Leventhal, Senter & Lerman P.L.L.C.; 2000 K Street, N.W., Suite 600; Washington, D.C. 20006-1809.

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

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed rule Making, MM Docket No. 00-169 adopted September 6, 2000, and released September 15, 2000. 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 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, located at 1231 20th Street, NW., Washington, DC 20036.

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.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 00-24648 Filed 9-25-00; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

### Endangered and Threatened Wildlife and Plants; 12-Month Finding for a Petition To Revise Critical Habitat for Alabama Beach Mouse, Perdido Key Beach Mouse, and Choctawhatchee Beach Mouse

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

**ACTION:** Notice of 12-month petition finding.

**SUMMARY:** We, the Fish and Wildlife Service (Service), announce a 12-month finding on a petition to revise critical habitat for the Alabama beach mouse (*Peromyscus polionotus ammobates*), Perdido Key beach mouse (*P. p. trissyllepsis*), and Choctawhatchee beach mouse (*P. p. allopheys*), pursuant to the Endangered Species Act of 1973, as amended (Act). After review of all available scientific and commercial information, we find that revision of critical habitat is warranted.

**DATES:** We made the finding announced in this document on September 12, 2000.

**ADDRESSES:** You may submit data, information, comments, or questions to the Field Supervisor, U.S. Fish and Wildlife Service, P.O. Box 1190, Daphne, Alabama 36526. The petition finding, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Mr. Larry Goldman, Field Supervisor (see **ADDRESSES** section), telephone 334/441-4151, extension 30.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 4(b)(3)(D)(ii) of the Act and our listing regulations (50 CFR 424.14(c)(3)) require that within 12 months after receiving a petition that is found to present substantial information