

(o)(1) In the band 37.5–40.0 GHz, the power flux-density at the Earth's surface produced by emissions from a geostationary space station for all conditions and for all methods of modulation shall not exceed the following values:

(i) $-139 \text{ dB(W/m}^2\text{)}$ in any 1 MHz band for angles of arrival between 0 and 5 degrees above the horizontal plane;

(ii) $-139 + 4/3 (\delta - 5) \text{ dB(W/m}^2\text{)}$ in any 1 MHz band for angles of arrival δ (in degrees) between 5 and 20 degrees above the horizontal plane;

(iii) $-119 + 0.4 (\delta - 20) \text{ dB(W/m}^2\text{)}$ in any 1 MHz band for angles of arrival δ (in degrees) between 20 and 25 degrees above the horizontal plane; and

(iv) $-117 \text{ dB(W/m}^2\text{)}$ in any 1 MHz band for angles of arrival between 25 and 90 degrees above the horizontal plane.

(2) These limits relate to the power flux-density that would be obtained under assumed free-space propagation conditions. These PFD limits may be exceeded by up to 12 dB under fade conditions.

(p)(1) In the band 40.0–40.5 GHz, the power flux-density at the Earth's surface produced by emissions from a space station for all conditions and for all methods of modulation shall not exceed the following values:

(i) $-115 \text{ dB(W/m}^2\text{)}$ in any 1 MHz band for angles of arrival between 0 and 5 degrees above the horizontal plane;

(ii) $-115 + 0.5 (\delta - 5) \text{ dB(W/m}^2\text{)}$ in any 1 MHz band for angles of arrival δ (in degrees) between 5 and 25 degrees above the horizontal plane; and

(iii) $-105 \text{ dB(W/m}^2\text{)}$ in any 1 MHz band for angles of arrival between 25 and 90 degrees above the horizontal plane.

(2) These limits relate to the power flux-density that would be obtained under assumed free-space propagation conditions.

(q)(1) In the band 40.5–42.0 GHz, the power flux density at the Earth's surface produced by emissions from a non-geostationary space station for all conditions and for all methods of modulation shall not exceed the following values:

(i) $-115 \text{ dB(W/m}^2\text{)}$ in any 1 MHz band for angles of arrival between 0 and 5 degrees above the horizontal plane;

(ii) $-115 + 0.5 (\delta - 5) \text{ dB(W/m}^2\text{)}$ in any 1 MHz band for angles of arrival (in degrees) between 5 and 25 degrees above the horizontal plane; and

(iii) $-105 \text{ dB(W/m}^2\text{)}$ in any 1 MHz band for angles of arrival between 25 and 90 degrees above the horizontal plane.

(2) These limits relate to the power flux density that would be obtained

under assumed free-space propagation conditions.

(r)(1) In the band 40.5–42.0 GHz, the power flux-density at the Earth's surface produced by emissions from a geostationary space station for all conditions and for all methods of modulation shall not exceed the following values:

(i) $-120 \text{ dB(W/m}^2\text{)}$ in any 1 MHz band for angles of arrival between 0 and 5 degrees above the horizontal plane;

(ii) $-120 + (\delta - 5) \text{ dB(W/m}^2\text{)}$ in any 1 MHz band for angles of arrival δ (in degrees) between 5 and 15 degrees above the horizontal plane;

(iii) $-110 + 0.5(\delta - 15) \text{ dB(W/m}^2\text{)}$ in any 1 MHz band for angles of arrival δ (in degrees) between 15 and 25 degrees above the horizontal plane; and

(iv) $-105 \text{ dB(W/m}^2\text{)}$ in any 1 MHz band for angles of arrival between 25 and 90 degrees above the horizontal plane.

(2) These limits relate to the power flux-density that would be obtained under assumed free-space propagation conditions.

PART 101—FIXED MICROWAVE SERVICES

6. The authority citation for part 101 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

7. Section 101.147 is amended in paragraph (a) by revising the entry for 38,600–40,000 MHz in the listing of assignments and adding a new note (31) to read as follows:

§ 101.147 Frequency assignments.

(a) * * *

38,600–40,000 MHz (4)(31)

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Notes

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(31) Frequencies in this band are shared with stations in the fixed-satellite service, subject to the conditions specified in footnote 14 in 47 CFR 25.202(a)(1).

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[FR Doc. 01–15972 Filed 7–3–01; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–1482; MM Docket No. 01–130, RM–10147; MM Docket No. 01–131, RM–10148; MM Docket No. 01–132, RM–10149]

Radio Broadcasting Services; Batesville, TX; Benjamin, TX; and Junction, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes new allotments to Batesville, TX; Benjamin, TX; and Junction, TX. The Commission requests comments on a petition filed by Charles Crawford proposing the allotment of Channel 250A at Batesville, Texas, as the community's first local aural transmission service. Channel 250A can be allotted to Batesville in compliance with the Commission's minimum distance separation requirements with a site restriction of 12.9 kilometers (8.0 miles) northeast of Batesville. The coordinates for Channel 250A at Batesville are 29–01–34 North Latitude and 99–30–59 West Longitude. Since Batesville is located within 320 kilometers (199 miles) of the U.S.-Mexican border, concurrence of the Mexican government has been requested. *See* **SUPPLEMENTARY INFORMATION.**

DATES: Comments must be filed on or before August 13, 2001, and reply comments on or before August 28, 2001.

ADDRESSES: Federal Communications Commission, Washington, DC, 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Charles Crawford, 4553 Bordeaux Ave., Dallas, Texas 75205.

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. 01–130; MM Docket No. 01–131; and MM Docket No. 01–132, adopted June 13, 2001, and released June 22, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW., Washington, DC. 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, DC 20036.

The Commission requests comments on a petition filed by Charles Crawford proposing the allotment of Channel 257C2 at Benjamin, Texas, as the community's first local aural transmission service. Channel 257C2 can be allotted to Benjamin in compliance with the Commission's minimum distance separation requirements with a site restriction of 4.4 kilometers (2.7 miles) northwest of Benjamin. The coordinates for Channel 257C2 at Benjamin are 33-36-04 North Latitude and 99-50-04 West Longitude.

The Commission requests comments on a petition filed by Charles Crawford proposing the allotment of Channel 297A at Junction, Texas, as the community's second local aural FM transmission service. Channel 297A can be allotted to Junction in compliance with the Commission's minimum distance separation requirements with a site restriction of 3.5 kilometers (2.2 miles) southeast of Junction. The coordinates for Channel 297A at Junction are 30-27-37 North Latitude and 99-45-22 West Longitude.

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 Texas, is amended by adding Batesville, Channel 250A; Benjamin, Channel 257C2; and Channel 297A at Junction.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 01-16795 Filed 7-3-01; 8:45 am]

BILLING CODE 6712-01-U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01-1388; MM Docket No.01-121, RM-10125]

Radio Broadcasting Services; Manning, Moncks Corner, South Carolina

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition for rule making filed by Cumulus Licensing Corp., requesting the reallocation of Channel 223C from Manning to Moncks Corner, South Carolina, as the community's first local aural transmission service. Petitioner is asked to provide additional information in support of the requested reallocation, specifically the short spacing to Station WMYB(FM), Myrtle Beach, South Carolina, due to Section 73.215 processing. No change of transmitter site is proposed. Channel 223C can be allotted at Moncks Corner at petitioner's site 37.7 kilometers (23.4 miles) north of the community. Coordinates for Channel 223C at Monck's Corner are 33-32-05 NL and 79-59-15 WL.

DATES: Comments must be filed on or before July 30, 2001, and reply comments on or before August 14, 2001.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: David D. Burns, Kathrine L. Calderazzi, Paul, Hastings, Janofsky & Walter, 1299 Pennsylvania Ave., NW., Tenth Floor, Washington, DC 20004-2400.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01-121 adopted May 30, 2001 and released June 8, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room

CY-A257), 445 12th Street, SW., Washington, DC. 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, DC 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.

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 South Carolina, is amended by removing Channel 223C at Manning, and adding Moncks Corner, Channel 223C.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 01-16793 Filed 7-3-01; 8:45 am]

BILLING CODE 6712-01-U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 223

[I.D. 062701A]

Endangered and Threatened Species; Take of Anadromous Fish

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