

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.

**ACTION:** Notice of final determination and discussion of underlying biological analysis.

**SUMMARY:** NMFS has evaluated the Tribal Resource Management Plan (Tribal Plan) submitted by the Northwest Indian Fisheries Commission (NWIFC), presented by the Bureau of Indian Affairs, Portland, OR on behalf of the Northwest Indian Tribes for tribal research and assessment activities pursuant to the protective regulations promulgated for Puget Sound chinook salmon under the Endangered Species Act (ESA). The Tribal Plan specifies the future scientific research and assessment activities in the Puget Sound region that potentially affect listed Puget Sound chinook salmon.

This document serves to notify the public that NMFS, by delegated authority from the Secretary of Commerce, has determined that implementing and enforcing the Tribal Plan will not appreciably reduce the likelihood of survival and recovery of the Puget Sound chinook salmon Evolutionarily Significant Unit (ESU). This document also includes a summary of the underlying biological analysis used in the determination (Evaluation).

**DATES:** The determination of the take limit was made on June 14, 2001.

**ADDRESSES:** Protected Resources Division, National Marine Fisheries Service, 525 NE Oregon Street, Suite 500, Portland, OR 97232-2737.

**FOR FURTHER INFORMATION CONTACT:** Leslie Schaeffer at: 503/230-5433, or e-mail: [leslie.schaeffer@noaa.gov](mailto:leslie.schaeffer@noaa.gov) regarding the Tribal Plan.

**SUPPLEMENTARY INFORMATION:** This document is relevant to the Puget Sound chinook salmon (*Oncorhynchus tshawytscha*) ESU

## Background

The NWIFC submitted a Tribal Plan, presented by the Bureau of Indian Affairs on behalf of the Northwest Indian Tribes for scientific research and assessment activities in the Puget Sound region affecting the Puget Sound chinook salmon ESU. The activities are intended to provide the technical basis for fisheries management and for the conservation and restoration of salmon stocks and their habitat. The Tribal Plan also includes implementation, monitoring, evaluation, enforcement, and reporting procedures designed to ensure the research is consistent with these objectives. The research activities described in the Tribal Plan span a 5-year period beginning on January 1, 2001.

On April 12, 2001, at 66 FR 18904, NMFS published a notice of availability

for public review and comment on its Evaluation of how the Tribal Plan addressed the factors in § 223.209 (65 FR 42481, July 10, 2000) of the ESA Tribal Plan Limit.

As required by § 223.209 of the ESA Tribal Plan Limit, NMFS must determine whether the Tribal Plan would appreciably reduce the likelihood of survival and recovery of the Puget Sound chinook salmon and other affected threatened ESUs. NMFS must take comments on how the Tribal Plan addresses the factors in § 223.209 in making that determination.

## Discussion of the Biological Analysis Underlying the Determination

The Tribal Plan describes tribal research and assessment activities in the Puget Sound region that provide the technical basis for fisheries management and for the conservation and restoration of salmon stocks and their habitat. The need for improved and more quantitative understanding of salmonid freshwater and marine survival motivates much of the current research. Many of the activities are also intended to provide information for the planning, implementation, and monitoring of habitat protection and restoration efforts. Tribal resource management entities cooperate with the Washington Department of Fish and Wildlife and other state and local agencies in many research activities. The Tribal Plan describes only those activities that are principally funded through, and managed by, tribal agencies.

The Tribal Plan is organized into three sections: (1) Spawning escapement surveys, (2) smolt production studies, and (3) habitat utilization and life history studies. Each section further describes the significance of the research and assessment activities and the sampling methods proposed.

It is NMFS' determination that the research and assessment activities included in the Tribal Plan will not appreciably reduce the likelihood of survival and recovery of the ESU in the wild based on the current status of this ESU. This research-related take is not expected to reach a level that will significantly affect any single chinook population in the ESU.

The Tribal Plan contains a section describing a protocol for assuring that the level and extent of take associated with the activities do not reduce the likelihood of survival and recovery of this ESU. The Tribal Plan states that monitoring of take during the course of each activity will determine whether take and mortality are occurring at a level greater than the expected level. The Tribal Plan contains procedures

whereby the overall impact of research and assessment activities can be regularly evaluated. Sampling methods and schedules will be altered as necessary to minimize take. Annual reports will include the actual take associated with each activity. NMFS will be informed when take exceeds the projected level for any activity and will be consulted regarding subsequent changes in methodology.

NMFS Evaluation contains general and specific conditions and operating requirements the tribes will follow to have the Tribal Plan Limit apply. Further, the Evaluation contains reporting requirements, a modification process should the tribes propose new or modified research, and a reevaluation process. This information will be used by NMFS and the tribes at least annually or as needed to assess whether impacts to listed fish are as expected, and to revise the Tribal Plan as necessary.

## Summary of Comments Received in Response to the Proposed Evaluation and Recommended Determination

NMFS published notification of its evaluation and pending determination on the Tribal Plan for public review and comment on April 12, 2001 (66 FR 18904). The public comment period closed on May 14, 2001. NMFS received no comments concerning this document.

Based on its Evaluation and the fact that no public comments were received, NMFS issued its final determination on the Tribal Plan on June 14, 2001.

## Authority

Under section 4 of the ESA, NMFS, by delegated authority from the Secretary of Commerce, is required to adopt such regulations as it deems necessary and advisable for the conservation of the species listed as threatened. The ESA Tribal Plan Limit (65 FR 42481, July 10, 2000) states that the ESA section 9 take prohibitions will not apply to any activity undertaken by a tribe, tribal member, tribal permittee, tribal employee, or tribal agent in compliance with a Tribal Plan determined by NMFS to not appreciably reduce the likelihood of survival and recovery of the listed salmonids.

Dated: June 28, 2001.

**Phil Williams,**

*Acting Chief, Endangered Species Division,  
Office of Protected Resources, National  
Marine Fisheries Service.*

[FR Doc. 01-16843 Filed 7-3-01; 8:45 am]

**BILLING CODE 3510-22-S**