

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

[DA No. 01-1018; MM Docket No. 92-214; RM-8062, 8144, 8145, 8146 & 8147]

Radio Broadcasting Services; Columbia, Bourbon, Leasburg, Gerald, Dixon and Cuba, MO

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for reconsideration.

SUMMARY: This document takes action on two separately filed petitions for reconsideration of the Report and Order in MM Docket No. 92-214. See 60 FR 62219, published December 5, 1995. The Commission dismissed as moot the petition for reconsideration filed by Lake Broadcasting, Inc., licensee of Station KBMX(FM), Channel 270A, Eldon, Missouri, and permittee for Station KFYE(FM), Channel 271A, Cuba, Missouri. The Commission dismissed Lake's petition for reconsideration following the denial of certiorari by the U.S. Supreme Court in Lake's appeal of the revocation of its licenses and construction permits. See *Contemporary Media, Inc., et al., v. Federal Communications Commission*, 214 F.3d 187 (D.C. Cir 2000), cert. denied, 532 U.S. _____ (2001). Michael Rice, Lake's sole owner and president, had been convicted of the felonies of deviate sexual conduct and sodomy of minors. Lake and other licensees owned or controlled by Rice also made repeated misrepresentations to the Commission as to Rice's continued involvement with their stations.

The Commission also denies the petition for reconsideration filed by Central Missouri Broadcasting, Inc. Central Missouri failed to provide information demonstrating that the allotment of Channel 221A at Dixon, Missouri, was an unusable channel or that the public interest would be better served by the allotment of Channel 243A in lieu of Channel 221A at Dixon.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Memorandum Opinion and Order, MM Docket No. 92-214, adopted April 16, 2001, and released April 20, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 12th Street, SW., Washington, DC. The complete text of this decision may also

be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800, facsimile (202) 857-3805.

Federal Communications Commission.

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

[FR Doc. 01-11177 Filed 5-3-01; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

[DA 01-1017; MM Docket No. 91-352; RM-7866]

Radio Broadcasting Services; Ava, Branson and Mountain Grove, MO

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for reconsideration.

SUMMARY: The Commission dismissed as moot the petition for reconsideration filed by Lake Broadcasting, Inc., licensee of Station KBMX(FM), Channel 270A, Eldon, Missouri, and permittee for Station KFYE(FM), Channel 271A, Cuba, Missouri. Lake has requested reconsideration of the *Report and Order*, 60 FR 62220, published December 5, 1995. The Commission dismissed Lake's petition for reconsideration following the denial of certiorari by the U.S. Supreme Court in Lake's appeal of the revocation of its licenses and construction permits. See *Contemporary Media, Inc., et al., v. Federal Communications Commission*, 214 F.3d 187 (D.C. Cir 2000), cert. denied, 532 U.S. _____ (2001). Michael Rice, Lake's sole owner and president, had been convicted of the felonies of deviate sexual conduct and sodomy of minors. Lake and other licensees owned or controlled by Rice also made repeated misrepresentations to the Commission as to Rice's continued involvement with their stations. With this action, the proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Memorandum Opinion and Order, MM Docket No. 91-352, adopted April 16, 2001, and released April 20, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the

Commission's Reference Center, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC. 20036, (202) 857-3800, facsimile (202) 857-3805.

Federal Communications Commission.

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

[FR Doc. 01-11175 Filed 5-3-01; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

[DA 01-968, MM Docket No. 00-134; RM-9922, RM-10023]

Radio Broadcasting Services; Brighton and Stowe, VT

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: At the request of Linda A. Davidson, this document allots Channel 295A to Brighton, Vermont. This document also denies a counterproposal filed by Radio Vermont Classics, L.L.C. to upgrade Station WCVT, Channel 269A, Stowe, Vermont, to specify operation on Channel 269C3. See 65 FR 51575, published August 24, 2000. The reference coordinates for the Channel 295A allotment at Brighton, Vermont, are 44-49-44 and 71-54-45. Canadian concurrence in the allotment of this channel has been requested but not yet received. Therefore, if a construction permit is issued, it may be conditioned on concurrence from the Canadian government. A filing window for the Channel 295A allotment at Brighton, Vermont, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent Order. With this action, the proceeding is terminated.

DATES: Effective June 5, 2001.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order* in MM Docket No. 00-134, adopted April 11, 2001, and released April 20, 2001. 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—RADIO BROADCAST SERVICES

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 Vermont, is amended by adding Brighton, Channel 295A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 01-11170 Filed 5-3-01; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01-1065; MM Docket No. 00-123, RM 9903]

Radio Broadcasting Services; Rincon, PR.

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document denies a Petition for Reconsideration filed by Jose J. Arzuaga, Jr., d/b/a Ocean Communications directed to the *Report and Order* in this proceeding which denied a proposal for a Channel 300B allotment at Rincon, Puerto Rico. See 66 FR 10658, February 16, 2001. With this action, the proceeding is terminated.

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. 00-123, adopted April 18, 2001, and released April 24, 2001. The full text of this decision 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, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3805, 1231 M Street, NW., Washington, DC 20036.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 01-11171 Filed 5-3-01; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01-1016; MM Docket No. 90-195, RM-7152]

Radio Broadcasting Services; Brookline, Missouri

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for reconsideration.

SUMMARY: This document dismisses as moot a Petition for Reconsideration filed by Lake Broadcasting, licensee of Station KBMX(FM), Channel 270A, Eldon, Missouri and permittee of Station KFYE(FM), Channel 271A, Cuba Missouri, of the *Report and Order* in this proceeding, which allotted Channel 271 at Brookline, Missouri, as a first local service. See 60 FR 62219 published December 5, 1995. Lake had argued that the Brookline allotment prejudices Lake's reconsideration petition in MM Docket 89-120 for an upgrade of its Eldon station, but the staff ruled that the Brookline petition was moot in view of the Commission's revocation of Lake's license for its Eldon and other stations, the affirmance by the U.S. Court of Appeals for the DC Circuit, and the denial of certiorari by the U.S. Supreme Court and in view of the Commission's dismissal of Lake's reconsideration petition in MM Docket 89-120. This document also denies Lake's motion to set aside the *Report and Order*, holding that the Brookline allotment is valid even though the original rulemaking proponent did not file an application for the allotment because four other parties did file applications. With this action, the proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Andrew Rhodes, Mass Media Bureau (202) 418-2120.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Memorandum Opinion and Order* in MM Docket No. 90-195, adopted April 11, 2001, and released April 20, 2001. The full text of this decision 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, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3805, 1231 M Street, NW., Washington, DC 20036.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 01-11176 Filed 5-3-01; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[Docket No. 000218048-1095-03; I.D. 013100A]

RIN 0648-AN59

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Naval Activities

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

ACTION: Final rule.

SUMMARY: NMFS, upon application from the U.S. Navy is issuing regulations to govern the unintentional take of a small number of marine mammals incidental to shock testing the USS WINSTON S. CHURCHILL (DDG-81) in the offshore waters of the Atlantic Ocean off Mayport, FL. Issuance of regulations governing unintentional incidental takes of marine mammals in connection with particular activities is required by the Marine Mammal Protection Act (MMPA) when the Secretary of Commerce (Secretary), after notice and opportunity for comment, finds, as here, that such takes will have a negligible impact on the species and stocks of marine mammals and will not have an unmitigable adverse impact on the availability of them for subsistence uses. These regulations do not authorize the Navy activity as such authorization is not within the jurisdiction of the Secretary. Rather, these regulations