

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 Arkansas, is amended by adding Channel 228A at Arkadelphia.

3. Section 73.202(b), the Table of FM Allotments under Arizona, is amended by adding Channel 223A at Chino Valley.

4. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Channel 292A at Junction, Channel 289A at Cotulla, and Aspermont, Channel 226C2.

Federal Communications Commission.

**John A. Karousos,**

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

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### **FEDERAL COMMUNICATIONS COMMISSION**

#### **47 CFR Part 73**

**[FCC 01-286]**

#### **Noncommercial Educational Television**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** In this document, the Commission seeks comment on whether modification of the license of WQEX(TV), to specify operation on nonreserved Channel 16, will promote the public interest, convenience and necessity, and also, whether the channel, if dereserved, should be subject to competing applications.

**DATES:** Comments December 17, 2001.

**FOR FURTHER INFORMATION CONTACT:** Joyce L. Bernstein (202) 418-1600, Video Services Division, Mass Media Bureau.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making ("NPRM") entitled, *Amendment of the Television Table of Allotments to Delete Noncommercial Reservation of Channel \*16, 482-488 MHz, Pittsburgh, Pennsylvania*, FCC No. 01-286, released October 11, 2001. The full text of this NPRM is available for inspection and copying during normal business hours

in the FCC Reference Room, Room CY-A257, Portals II, 445 12th Street, SW., Washington, DC, and also may be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554.

#### **Synopsis of NPRM**

On January 9, 2001 WQED Pittsburgh (QED), licensee of noncommercial educational television stations WQED(TV), Channel \*13 and WQEX(TV), Channel \*16, Pittsburgh, Pennsylvania, filed a "Petition to Delete Noncommercial Reservation." In its petition, QED requests that the Commission amend §§ 73.606 and 73.622 of the Commission's rules, *see* 47 CFR 73.606 (NTSC channels) and 73.622 (DTV channels), to remove the noncommercial reservation of Channel \*16 and permit QED to sell WQEX(TV) as a commercial television station without opening the channel to competing applications, and use the net proceeds to further WQED(TV)'s noncommercial broadcast operation. In the Memorandum Opinion and Order portion of the document, the Commission denies QED's request to dereserve Channel \*16. However, in the NPRM section of the document, the Commission commences a rule making proceeding to determine whether modification of the license of WQEX(TV), to specify operation on nonreserved Channel 16, will promote the public interest, convenience and necessity, and also, whether the channel, if dereserved, should be subject to competing applications.

#### **List of Subjects in 47 CFR Part 73**

Education, Television.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

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### **DEPARTMENT OF COMMERCE**

#### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 223**

**[I.D. 092501A]**

#### **Availability of a Draft Environmental Assessment/Finding of No Significant Impact and Receipt of an Application for an Incidental Take Permit (1347)**

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

**ACTION:** Notice of availability.

**SUMMARY:** NMFS has received an application for an incidental take permit (Permit) from the Washington Department of Fish and Wildlife (WDFW) pursuant to the Endangered Species Act of 1973, as amended (ESA). As required by the ESA, WDFW has also prepared a conservation plan (Plan) designed to minimize and mitigate any such take of endangered or threatened species. The Permit application is for the incidental take of ESA-listed adult and juvenile salmonids associated with otherwise lawful artificial propagation programs for non-listed species in the upper Columbia River and its tributaries in the state of Washington. The duration of the proposed Permit and Plan is 5 years. The Permit application includes the proposed Plan, and three Hatchery and Genetic Management Plans (HGMPs) submitted by WDFW. NMFS also announces the availability of a draft Environmental Assessment (EA) for the Permit application. NMFS is furnishing this notification in order to allow other agencies and the public an opportunity to review and comment on these documents. All comments received will become part of the public record and will be available for review pursuant to the ESA.

**DATES:** Written comments from interested parties on the Permit application, Plan, HGMPs, and draft EA must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific daylight time on November 15, 2001.

**ADDRESSES:** Written comments on the application, Plan, HGMPs, or draft EA should be sent to Tim Tynan, Sustainable Fisheries Division, F/ NWO3, 510 Desmond Drive, Suite 103, Olympia, WA 98503. Comments may also be sent via fax to 360-753-9517. Comments will not be accepted if submitted via e-mail or the Internet. Requests for copies of the Permit application, Plan, HGMPs, and draft EA should be directed to the Sustainable Fisheries Division, F/NWO3, 510 Desmond Drive, Suite 103, Olympia, WA 98503. The documents are also available on the Internet at <http://www.nwr.noaa.gov/>. Comments received will also be available for public inspection, by appointment, during normal business hours by calling 360-753-9579.

**FOR FURTHER INFORMATION CONTACT:** Tim Tynan, Olympia, WA (ph: 360/753-9579, fax: 360/753-9507, e-mail: [Tim.Tynan@noaa.gov](mailto:Tim.Tynan@noaa.gov)).