

INDUSTRIAL/BUSINESS POOL FREQUENCY TABLE—Continued

Frequency or band	Class of station(s)	Limitations	Coordinator
27.765 .....	.....do .....	82	
27.86 .....	.....do .....	82	
29.71 .....	.....do.		
*	*	*	*

(c) \* \* \*  
 \* \* \* \* \*  
 (2) [Reserved]  
 \* \* \* \* \*  
 (82) The frequency may be assigned only to entities meeting the definition of a forest product licensee (see § 90.7). Operations are on a secondary basis to Federal Government operations

including experimental stations, will not exceed 150 watts output power, and are limited to the states of Washington, Oregon, Maine, North Carolina, South Carolina, Tennessee, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas (eastern portion).  
 \* \* \* \* \*

17. Section 90.103 amend the table in paragraph (b) under kilohertz by removing the entry for 1605–1715, and adding in its place the entry for 1705–1715, and removing and reserving paragraphs (c)(28) and (29) and revising paragraph (c)(4) to read as follows:  
**§ 90.103 Radiolocation Service.**  
 \* \* \* \* \*

RADIOLOCATION SERVICE FREQUENCY TABLE

Frequency or band	Class of station	Limitation
Kilohertz		
1705 to 1715 .....	.....do .....	4, 5, 6
*	*	*

\* \* \* \* \*  
 (c) \* \* \*  
 (4) The non-Federal Government radiolocation service in this band is on a secondary basis to stations in the aeronautical radionavigation service operating on 1708 kHz.  
 \* \* \* \* \*  
 (28) [Reserved]  
 (29) [Reserved]  
 \* \* \* \* \*

redesignating paragraphs (c) and (d) as (b) and (c).  
 [FR Doc. 02–7727 Filed 4–5–02; 8:45 am]  
**BILLING CODE 6712–01–P**  
**FEDERAL COMMUNICATIONS COMMISSION**  
**47 CFR Part 73**  
**[DA 02–688; MM Docket No. 02–62; RM–10397]**  
**Radio Broadcasting Services; De Funiak Springs and Valparaiso, FL**  
**AGENCY:** Federal Communications Commission.  
**ACTION:** Proposed rule.

therefore, the Commission will not accept competing expressions of interest in the use of Channel 276C2 at Valparaiso, Florida, or require the petitioner to demonstrate the availability of an additional equivalent class channel.  
**DATES:** Comments must be filed on or before May 13, 2002, and reply comments on or before May 28, 2002.  
**ADDRESSES:** Secretary, Federal Communications Commission, 445 12th Street, SW., Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner’s counsel, as follows: Howard M. Lieberman, Esq., and Elizabeth A. Hammond, Esq., Arter and Hadden, LLP; 1801 K Street, NW., Third Floor, L Street Entrance; Washington, DC 20006.  
**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. 02–62, adopted March 13, 2002, and released March 22, 2002. The full text of this Commission decision is available for inspection and copying during regular business hours in the FCC’s Reference Information Center at Portals II, 445 12th Street, SW., CY–A257, Washington, DC, 20554. This document may also be purchased from the

18. Section 90.263 is amended by revising the third sentence to read as follows:  
**§ 90.263 Substitution of frequencies below 25 MHz.**  
 \* \* \* In such cases, a substitute frequency, if found to be available, may be assigned from the following bands: 1705–1750 kHz, 2107–2170 kHz, 2194–2495 kHz, 2506–2850 kHz, 3155–3400 kHz, or 4438–4650 kHz. \* \* \*

PART 97—AMATEUR RADIO SERVICE

19. The authority citation for Part 97 continues to read as follows:  
**Authority:** 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609, unless otherwise noted.

20. Section 97.401 is amended by removing paragraph (b) and by

Commission's duplicating contractors, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

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.

#### 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]

1. Section 73.202(b), the Table of FM Allotments under Florida, is amended by adding Valparaiso, Channel 276C2 and removing De Funiak Springs, Channel 276C2.

Federal Communications Commission.

**John A. Karousos,**

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

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 92

RIN 1018-AH88

#### Procedures for Establishing Spring/Summer Subsistence Harvest Regulations for Migratory Birds in Alaska

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

**ACTION:** Proposed rule.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service or we) proposes

regulations establishing procedures for implementing a spring/summer migratory bird subsistence harvest in Alaska. The 1916 Convention for the Protection of Migratory Birds Between the United States and Great Britain (for Canada) established a closed season for the taking of migratory birds between March 10 and September 1. Residents of northern Alaska and Canada traditionally harvested migratory birds for nutritional purposes during the spring and summer months. The governments of Canada, Mexico, and the United States recently amended the 1916 Convention and the subsequent 1936 Mexico Convention for the Protection of Migratory Birds and Game Mammals. The amended treaties provide for the legal subsistence harvest of migratory birds and their eggs in Alaska and Canada during the closed season. The proposed regulations would establish procedures for implementing that change and for incorporating subsistence management into the continental migratory bird management program.

**DATES:** We will accept written comments until May 24, 2002.

**ADDRESSES:** Address comments to Regional Director, Alaska Region, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska, 99503, Attention: Bob Stevens, Stop 201. Electronic comments may be addressed to [FW7\\_MB\\_Counsel@fws.gov](mailto:FW7_MB_Counsel@fws.gov).

**FOR FURTHER INFORMATION CONTACT:** Bob Stevens, 907/786-3499 or Bill Ostrand, 907/786-3849, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Stop 201, Anchorage, Alaska 99503.

#### SUPPLEMENTARY INFORMATION:

#### What Events Led to This Action?

By the beginning of the twentieth century, this nation began to witness the depletion of many species of migratory birds. Commercial or "market" hunting took a significant toll as restaurant owners paid top dollar for wild birds and the millinery industry demanded large numbers of feathers for hats. Individual States did not establish regulations or other management programs to adequately protect the migratory bird resources.

In 1916, the United States and Great Britain (on behalf of Canada) signed the Convention for the Protection of Migratory Birds in Canada and the United States. The treaty prohibited market hunting and specified a closed season on taking migratory game birds between March 10 and September 1 of each year. In 1936, the United States and Mexico signed the Convention for the Protection of Migratory Birds and

Game Mammals. The Mexico treaty prohibited the taking of wild ducks between March 10 and September 1. Neither treaty, however, took into account and allowed for the traditional harvest of migratory birds by northern indigenous people during the spring and summer months. This harvest, which had occurred for centuries, was necessary to the subsistence lifestyle of the northern people and thus continued despite the closed season.

The Canada treaty and the Mexico treaty, as well as the other migratory bird treaties with Japan (1972) and Russia (1976), have been implemented in the United States through the Migratory Bird Treaty Act (MBTA). The courts have construed the MBTA as prohibiting the Federal government from permitting any harvest of migratory birds that is inconsistent with the terms of any of the migratory bird treaties. The restrictive terms of the Canada and Mexico treaties thus prevented the Federal government from permitting the traditional subsistence harvest of migratory birds during spring and summer in Alaska. To remedy this situation the United States therefore negotiated Protocols amending both the Canada and Mexico treaties to allow for spring/summer subsistence harvest of migratory birds by indigenous inhabitants of identified subsistence zones in Alaska. The U. S. Senate approved the amendments to both treaties in 1997.

#### What Will the Amended Treaty Accomplish?

The major goals of the amended treaty with Canada are to allow for traditional subsistence harvest and to improve conservation of migratory birds by allowing effective regulation of this harvest. The amended treaty with Canada allows permanent residents of villages within subsistence harvest areas, regardless of race, to continue harvesting migratory birds in the spring and summer as they have done for thousands of years. It states that lands north and west of the Alaska Range and within the Alaska Peninsula, Kodiak Archipelago, and the Aleutian Islands generally qualify as subsistence harvest areas. Treaty language provides for further refinement of this determination by management bodies.

The amendments, however, are not intended to cause significant increases in the take of migratory birds relative to their continental population sizes. Therefore, the Canada treaty places limitations on who is eligible to harvest and where they can harvest migratory birds. Anchorage, the Matanuska-Susitna and Fairbanks North Star