

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: August 30, 2002.

Anthony S. Lowe,

Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 02-22821 Filed 9-6-02; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02-2063; MM Docket No. 01-104; RM-10103, RM-10323, RM-10324]

Radio Broadcasting Services; Auburn, Northport, Tuscaloosa, Camp Hill, Gardendale, Homewood, Birmingham, Dadeville, Orrville, Goodwater, Pine Level, Jemison, and Thomaston, AL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal.

SUMMARY: At the request of Auburn Network, Inc., the Commission dismisses the petition for rule making proposing the allotment of Channel 263A at Auburn, Alabama, as the community's second local FM transmission service (RM-10103). See 16 FCC Rcd 8937 (2001). We dismiss the counterproposal filed by Radio South, Inc., proposing the reallocation of Channel 263C1 from Northport to Helena, Alabama, and the modification of Station WLXY(FM)'s license accordingly (RM-10323). To accommodate the reallocation to Helena, proponent also requested the reallocation of Channel 225C1 from Tuscaloosa to Northport, Alabama, and the modification of the license for Station WTUG(FM) accordingly as a replacement service. We also dismiss the counterproposal filed by Cox Radio, Inc., and its wholly-owned subsidiary CXR Holdings, Inc., proposing the substitution of Channel 247C2 for Channel 247A at Homewood, Alabama, the reallocation of Channel 247C2 from Homewood to Gardendale, Alabama, required channel substitutions and site changes, and the modification of Station WRLR-FM's license accordingly (RM-10324). We find that both counterproposals are technically defective because they violate section 73.208(a)(1)(i) of the Commission's Rules and our policy against acting upon contingent proposals.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report

and Order, MM Docket No. 01-104, adopted August 21, 2002, and released August 30, 2002. 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 contractors, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20054.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 02-22755 Filed 9-6-02; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02-2062; MB Docket No. 02-250, RM-10549; MB Docket No. 02-251, RM-10315; MB Docket No. 02-252, RM-10316; MB Docket No. 02-253, RM-10317; MB Docket No. 02-254, RM-10550]

Radio Broadcasting Services; Big Lake, TX, Las Animas, CO, Muleshoe, TX, Rankin, TX, Rocksprings, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes five new allotments in Big Lake, TX, Las Animas, CO, Muleshoe, TX, Rankin, TX, Rocksprings, TX. The Audio Division requests comment on a petition filed by Linda Crawford proposing the allotment of Channel 296C2 at Big Lake, Texas, as the community's fourth local aural transmission service. Channel 296C2 can be allotted to Big Lake in compliance with the Commission's minimum distance separation requirements with a site restriction of 26.9 kilometers (16.7 miles) south of the community. The coordinates for Channel 296C2 at Big Lake are 30-57-18 North Latitude and 101-23-48 West Longitude. See Supplementary Information, *infra*.

DATES: Comments must be filed on or before October 21, 2002, and reply comments on or before November 5, 2002.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the

petitioner, his counsel, or consultant, as follows: Linda Crawford, 3500 Maple Avenue, #1320, Dallas, Texas 75219, Katherine Pyeatt, 6655 Aintree Circle, Dallas, Texas 75214, Sierra Grande Broadcasting, P.O. Box 51, Des Moines, New Mexico 88418-0051.

FOR FURTHER INFORMATION CONTACT:

Deborah A. Dupont, Media Bureau, (202) 418-7072.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket Nos. 02-250, 02-251, 02-252, 02-253, and 02-254, adopted August 14, 2002, and released August 30, 2002. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 Twelfth Street, SW, Room CY-A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, 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.

The Audio Division requests comments on a petition filed by Sierra Grande Broadcasting proposing the allotment of Channel 234C1 at Las Animas, Colorado, as the community's second local aural transmission service. Channel 234C1 can be allotted to Las Animas in compliance with the Commission's minimum distance separation requirements with a site restriction of 4.5 kilometers (2.8 miles) southeast of the community. The coordinates for Channel 234C1 at Las Animas are 38-02-18 North Latitude and 103-11-09 West Longitude.

The Audio Division requests comments on a petition filed by Linda Crawford proposing the allotment of Channel 227C1 at Muleshoe, Texas, as the community's second local aural transmission service. Channel 227C1 can be allotted to Muleshoe in compliance with the Commission's minimum distance separation requirements with a site restriction of 35.8 kilometers (22.3 miles) southwest of the community. The coordinates for Channel 227C1 at Muleshoe are 34-02-03 North Latitude and 103-02-08 West Longitude.

The Audio Division requests comments on a petition filed by Katherine Pyeatt proposing the allotment of Channel 273C1 at Rankin, Texas, as the community's first local aural transmission service. Channel 273C1 can be allotted to Rankin in compliance with the Commission's

minimum distance separation requirements at center city reference coordinates. The coordinates for Channel 273C1 at Rankin are 31-13-21 North Latitude and 101-56-15 West Longitude.

The Audio Division requests comments on a petition filed by Katherine Pyeatt proposing the allotment of Channel 263A at Rocksprings, Texas, as the community's fourth local aural transmission service. Channel 263A can be allotted to Rocksprings in compliance with the Commission's minimum distance separation requirements with a site restriction of 12.6 kilometers (7.8 miles) west of the community. The coordinates for Channel 263A at Rocksprings are 30-01-30 North Latitude and 100-20-06 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* contact.

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, 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 Colorado, is amended by adding Channel 234C1 at Las Animas.

3. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Channel 296C2 at Big Lake, by adding Channel 227C1 at Muleshoe, by adding Rankin, Channel 273C1, by adding Channel 263A at Rocksprings.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 02-22757 Filed 9-6-02; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 223 and 224

[I.D. 082902C]

Endangered and Threatened Wildlife and Plants; 12-Month Finding on a Petition To List the Atlantic White Marlin as Threatened or Endangered

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

ACTION: Notice of petition finding and availability of a status review document.

SUMMARY: NMFS announces a 12-month finding on a petition to add the Atlantic white marlin (*Tetrapturus albidus*), throughout its known range, to the list of threatened and endangered wildlife and to designate critical habitat under the Endangered Species Act (ESA). Based on a review of the best available scientific and commercial information on the status of the species, NMFS finds that listing Atlantic white marlin is not warranted at this time. NMFS intends to add this species to its candidate species list and to reevaluate its status in 2007.

DATES: The finding announced in this notice was made on September 3, 2002.

ADDRESSES: Copies of the Atlantic white marlin status review document are available upon request from the Protected Resources Division, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702. The status review is also available on the NMFS website at <http://www.nmfs.noaa.gov>.

FOR FURTHER INFORMATION CONTACT:

David Bernhart, NMFS Southeast Region, 727-570-5312, Jennifer Lee, NMFS Southeast Region, 301-713-2239, or David O'Brien, NMFS Office of Protected Resources, 301-713-1401.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to section 4(b)(3)(B) of the ESA (16 U.S.C. 1531 *et seq.*) for any petition to revise the List of Endangered or Threatened Wildlife and Plants which presents substantial scientific and commercial information, NMFS is required to make a finding within 12 months of the date of receipt of the petition on whether the petitioned action is (a) not warranted, (b) warranted, or (c) warranted but precluded from immediate proposal by other pending proposals of higher priority. Such 12-month findings are to be published promptly in the **Federal Register**.

On September 4, 2001, NMFS received a petition from the Biodiversity Legal Foundation and James R. Chambers requesting that NMFS list the Atlantic white marlin (*Tetrapturus albidus*) under the ESA as a threatened or endangered species throughout its range. The petition also requested that NMFS designate critical habitat for white marlin. The petition contained a detailed description of the species, including the present legal status; taxonomy and physical appearance; ecological and fisheries importance; distribution; physical and biological characteristics of its habitat and ecosystem relationships; population status and trends; and factors contributing to the population's decline. Potential threats identified in the petition included: (1) overutilization for commercial purposes; (2) inadequacy of existing regulatory mechanisms; (3) predation; and (4) other natural or man-made factors affecting the species' continued existence.

On December 20, 2001 (66 FR 65676), NMFS announced a finding that the petition presented substantial scientific or commercial information indicating that the petitioned action may be warranted and initiated a formal white marlin status review, as required by section 4(b)(3)(A) of the ESA. Concurrently, NMFS solicited, through February 19, 2002, additional information and comment from the public on the historic and current abundance and distribution of white marlin, threats to white marlin, and ongoing conservation efforts for white marlin. NMFS received responses from the petitioner, the National Audubon Society, the Wildlife Conservation Society, the National Coalition for Marine Conservation, the Blue Water Fishermen's Association, the Billfish Foundation, the South Carolina Department of Natural Resources, and 10 private citizens. Most of the comments were in response to NMFS' request for information on the status of white marlin. The status review document (SRT 2002) considers all new information contained in the comments. Some of the comments included expressions of support and disagreement with the appropriateness of reviewing white marlin for possible ESA listing, expressions of alarm at the potential effects of listing white marlin on commercial and recreational fishing interests, and recommended areas for fisheries closures. Additional comments and information were received during 11 public scoping meetings (67 FR 39328, June 7, 2002) held in June 2002 by staff from the NMFS Southeast