

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, 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 Ohio, is amended by adding Dublin, Channel 294B1, and Channel 293A at Chillicothe; and removing Hillsboro, Channel 294B, and Channel 295B at Marion.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 02-23140 Filed 9-11-02; 8:45 am]

BILLING CODE 6712-01-P

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[DA 02-2066; MB Docket No. 02-255; RM-10524]

#### Radio Broadcasting Services; Cottage Grove, Depoe Bay, Garibaldi, Toledo, and Veneta, OR

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comment on a petition for rulemaking filed on behalf of Alexandra Communications, Inc. licensee of Station KDEP(FM), Depoe Bay, Oregon,

Signal Communications, Inc., licensee of Station KEUG, Inc., Cottage Grove, Oregon, and Agpal Broadcasting, Inc., licensee of Station KPPT(FM), Toledo, Oregon, requesting that we substitute Channel 288A for Channel 288C3 at Depoe Bay, Oregon, reallocate Channel 288A from Depoe Bay to Garibaldi, Oregon, and modify the license of Station KDEP(FM) to specify the new community. The petition also requests that we substitute Channel 283C3 for Channel 288A at Cottage Grove, Oregon, reallocate Channel 288C3 to Veneta, Oregon, and modify the license of Station KEUG(FM) to specify the new community. Finally, the petition requests that we reallocate Channel 264C2 from Toledo, Oregon to Depoe Bay, and modify the license of Station KPPT(FM) to specify the new community. Channel 288A can be allotted at Garibaldi at a site 11 kilometers (6.8 miles) south of the community at coordinates NL 45-27-50 and WL 123-56-37. Channel 288C3 can be allotted at Veneta at a site 4.8 kilometers (3.0 miles) southwest of the community at coordinates NL 44-01-56 and WL 123-24-19. Channel 264C2 can be allotted at Depoe Bay at Station KPPT(FM)'s current site 5.9 kilometers (3.7 miles) south of the community at coordinates NL 44-45-23 and WL 124-03-01.

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

**ADDRESSES:** Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Robert Lewis Thompson, Thiemann, Aitken & Vohra, LLC, 908 King Street, Suite 300, Alexandria, VA 22314.

#### FOR FURTHER INFORMATION CONTACT:

Victoria M. McCauley, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 02-255, adopted August 14, 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's Reference Information Center at Portals II, CY-A257, 445 12th Street, SW., Washington, DC. This document may also be purchased from the Commission's duplicating contractors, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 202-863-2893, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com)

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, 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 Oregon, is amended by removing Channel 288A and adding Channel 264C2 at Depoe Bay, by removing Channel 288A at Cottage Grove, by removing Toledo, Channel 264C2, by adding Garibaldi, Channel 288C3, and by adding Veneta, Channel 288C3.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 02-23139 Filed 9-11-02; 8:45 am]

BILLING CODE 6712-01-P

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[DA 02-2101; MB Docket No. 02-258, RM-10500; MB Docket No. 02-259, RM-10501; MB Docket No. 02-260, RM-10502; MB Docket No. 02-261, RM-10503; MB Docket No. 02-262, RM-10504; MB Docket No. 02-263 RM-10498; MB Docket No. 02-264, RM-10505; MB Docket No 02-265, RM-10556]

#### Radio Broadcasting Services; Dickens, TX, Floydada, TX, Freer, TX, Ozona, TX, Rankin, TX, Safford, AZ, San Diego, TX, and Westbrook, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes eight new allotments in Dickens, Texas, Floydada, Texas, Freer, Texas, Ozona, Texas, Rankin, Texas, Safford, Arizona, San Diego, Texas, and Westbrook, Texas. The Audio Division requests comment on a petition filed by Maurice Salsa proposing the allotment of Channel 294A at Dickens, Texas, as the community's first local aural transmission service. Channel 294A can be allotted to Dickens in compliance with the Commission's minimum distance separation requirements with a site restriction of 10.1 kilometers (6.3 miles) northeast to avoid a short-spacing to the license site of Station KEJS, Channel 293C2, Lubbock, Texas. The coordinates for Channel 294A at Dickens are 33-40-43 North Latitude and 100-45-00 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 12th 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: Maurice Salsa, 5615 Evergreen Valley Drive, Kingwood, TX 77345; Linda Crawford, 3500 Maple Avenue #1320, Dallas, TX 75219; Robert Fabian, 4 Hickory Crossing Lane, Argyle, TX 76226; Graham County FM Associates, c/o Dan J. Alpert, 2120 N. 21st Road, Arlington, VA 22201; and Charles Crawford, 4553 Bordeaux Avenue, Dallas, TX 75205.

**FOR FURTHER INFORMATION CONTACT:** Rolanda F. Smith, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket Nos. 02-258, 02-259, 02-260, 02-261, 02-262, 02-263, 02-264, 02-265, adopted October 21, 2002, and released November 5, 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 12th 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](mailto:qualexint@aol.com).

The Audio Division requests comments on a petition filed by Linda

Crawford proposing the allotment of Channel 255A at Floydada, Texas, as the community's second local aural transmission service. Channel 255A can be allotted to Floydada in compliance with the Commission's minimum distance separation requirements with a site restriction of 4.3 kilometers (2.7 miles) northeast to avoid a short-spacing to the license site of Station KQBR, Channel 258C1, Lubbock, Texas. The coordinates for Channel 255A at Floydada are 34-00-54 North Latitude and 101-18-29 West Longitude.

The Audio Division requests comments on a petition filed by Linda Crawford proposing the allotment of Channel 271A at Freer, Texas, as the community's third local aural transmission service. Channel 271A can be allotted to Freer in compliance with the Commission's minimum distance separation requirements with a site restriction of 11.0 (6.8 miles) north to avoid a short-spacing to the license site of Station KILM, Channel 271C2, Raymondville, Texas. The coordinates for Channel 271A at Freer are 27-58-35 North Latitude and 98-35-05 West Longitude. Since Freer is located within 320 kilometers (199 miles) of the U.S.-Mexican border, concurrence of the Mexican government has been requested.

The Audio Division requests comments on a petition filed by Robert Fabian proposing the allotment of Channel 289C1 at Ozona, Texas, as the community's second local aural transmission service. Channel 289C1 can be allotted to Ozona in compliance with the Commission's minimum distance separation requirements with a site restriction of 39.8 kilometers (24.7 miles) southwest to avoid a short-spacing to the application site of a New FM station, Channel 289C2, Mason, Texas. The coordinates for Channel 289C1 at Ozona are 30-25-54 North Latitude and 101-27-42 West Longitude. Since Ozona is located within 320 kilometers (199 miles) of the U.S.-Mexican border, concurrence of the Mexican government has been requested.

The Audio Division requests comments on a petition filed by Robert Fabian proposing the allotment of Channel 229C3 at Rankin, Texas, as the community's first local aural transmission service. Channel 229C3 can be allotted to Rankin in compliance with the Commission's minimum distance separation requirements with a site restriction of 12.6 kilometers (7.8 miles) east of Rankin, Texas. The coordinates for Channel 229C3 at Rankin are 31-11-24 North Latitude and 101-48-39 West Longitude. Since

Rankin is located within 320 kilometers (199 miles) of the U.S.-Mexican border, concurrence of the Mexican government has been requested.

The Audio Division requests comments on a petition filed by Graham County FM Associates proposing the allotment of Channel 246C3 at Safford, Arizona, as the community's second local aural transmission service. Channel 246C3 can be allotted to Safford in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 246C3 at Safford are 32-50-02 North Latitude and 109-42-25 West Longitude. Since Safford is located within 320 kilometers (199 miles) of the U.S.-Mexican border, concurrence of the Mexican government has been requested.

The Audio Division requests comments on a petition filed by Charles Crawford proposing the allotment of Channel 273A at San Diego, Texas, as the community's second local aural transmission service. Channel 273A can be allotted to San Diego in compliance with the Commission's minimum distance separation requirements with a site restriction of 9.6 kilometers (5.9 miles) west to avoid a short-spacing to the license site of Station KNDA, Channel 275C2, Alice, Texas. The coordinates for Channel 273A at San Diego are 27-46-29 North Latitude and 98-20-04 West Longitude. Since San Diego is located within 320 kilometers (199 miles) of the U.S.-Mexican border, concurrence of the Mexican government has been requested.

The Audio Division requests comments on a petition filed by Maurice Salsa proposing the allotment of Channel 272A at Westbrook, Texas, as the community's first local aural transmission service. Channel 272A can be allotted to Westbrook in compliance with the Commission's minimum distance separation requirements with a site restriction of 6.8 kilometers (4.2 miles) west to avoid a short-spacing to the license site of Station KFZX, Channel 271C, Gardendale, Texas. The coordinates for Channel 272A at Westbrook are 32-22-24 North Latitude and 101-04-58 West Longitude. Since Westbrook is located within 320 kilometers (199 miles) of the U.S.-Mexican border, concurrence of the Mexican government has been requested.

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 Arizona, is amended by adding Channel 246C3 at Safford.

3. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Dickens, Channel 294A; by adding Channel 255A at Floydada; by adding Channel 271A at Freer; by adding Channel 289C1 at Ozona; by adding Rankin, Channel 229C3; by adding Channel 273A at San Diego; by adding Westbrook, Channel 272A.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 02-23138 Filed 9-11-02; 8:45 am]

**BILLING CODE 6712-01-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018-AH91

#### Endangered and Threatened Wildlife and Plants; Extension of the Public Comment Period on Proposed Designation of Critical Habitat for the Rio Grande Silvery Minnow

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

**ACTION:** Proposed rule; reopening and extension of the public comment period.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), provide notice of an extension of the public comment period for the proposal to designate critical habitat for the Rio

Grande silvery minnow (*Hybognathus amarus*) (silvery minnow), a species federally listed as endangered under the authority of the Endangered Species Act of 1973, as amended (Act). Comments are also solicited on the associated draft economic analysis and draft environmental impact statement (draft EIS). Comments previously submitted need not be resubmitted as they have already been incorporated into the public record and will be fully considered in the final rule. The proposed rule designating critical habitat for the silvery minnow and the draft EIS were issued pursuant to a November 21, 2000, court order by the United States District Court for the District of New Mexico, in *Middle Rio Grande Conservancy District v. Babbitt*, Civ. Nos. 99-870, 99-872, 99-1445M/RPL (Consolidated), that set aside the July 9, 1999, critical habitat designation for the silvery minnow.

**DATES:** The comment period will be extended until October 2, 2002. Comments must be received by the closing date.

**ADDRESSES:** You may submit written comments and materials concerning the proposal, the draft economic analysis, or the draft EIS to Field Supervisor, U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office, 2105 Osuna NE, Albuquerque, NM, 87113. Written comments may also be sent by facsimile to (505) 346-2542 or [R2FWE\\_AL@fws.gov](mailto:R2FWE_AL@fws.gov). All comments, including names and addresses, will become part of the administrative record and may be released. You may also hand-deliver written comments to our New Mexico Ecological Services Field Office, at the above address. Comments and materials received, as well as supporting documentation used in the preparation of this proposed rule, will be available for public inspection, by appointment, during normal business hours from 8 a.m. to 4:30 p.m., at the above address. You may obtain copies of the proposed rule from the above address or by calling 505/346-2542, or from our website at <http://ifw2es.fws.gov/Library/>.

**FOR FURTHER INFORMATION CONTACT:** Joy Nicholopoulos, Field Supervisor, New Mexico Ecological Services Field Office (see **ADDRESSES** above); phone: 505-346-2525 or visit our website at <http://ifw2es.fws.gov/>.

#### SUPPLEMENTARY INFORMATION:

##### Background

We published a proposed rule to designate critical habitat for the silvery minnow in the **Federal Register** on June 6, 2002 (67 FR 39206). The silvery

minnow presently occurs only in the Rio Grande from Cochiti Dam, Sandoval County, downstream to the headwaters of Elephant Butte Reservoir, Sierra County, New Mexico. We proposed to designate critical habitat within this last remaining portion of the occupied range in the middle Rio Grande (Cochiti Dam to Elephant Butte Dam) in New Mexico. The proposed critical habitat designation defines the lateral extent (width) as those areas bounded by existing levees or, in areas without levees, 91.4 meters (300 feet) of riparian zone adjacent to each side of the middle Rio Grande.

We have not proposed critical habitat designation for two areas important for the conservation of the silvery minnow (*i.e.*, the river reach of the middle Pecos and lower Rio Grande in Big Bend National Park and downstream to the Terrell/Val Verde County line). We proposed a conservation strategy of developing one or more experimental populations under section 10(j) of the Act, because we believe this strategy outweighs any benefits that could be provided to the silvery minnow by including these areas within a designation of critical habitat.

If the proposed rule is finalized, section 7(a)(2) of the Act would require that Federal agencies ensure that actions they fund, authorize, or carry out are not likely to result in the "destruction or adverse modification" of critical habitat. Section 4 of the Act requires us to consider economic and other relevant impacts of specifying any particular area as critical habitat. We request data and comments from the public and all interested parties on all aspects of the proposal, including data on economic and other impacts of the proposed designation.

We held two public hearings to receive comments from the public. The hearings were in Socorro and Albuquerque, NM, on June 25 and 26, 2002 respectively. Public hearings are designed to gather relevant information that the public may have that we should consider in our rule-making. During the hearings, we presented information about the proposed action. We invited the public to submit information and comments either at the hearings or in writing.

#### Public Comments Solicited

We solicit comments or suggestions from the public, other concerned governmental agencies, tribes, the scientific community, industry, or any other interested parties concerning the proposal, the draft economic analysis, or draft EIS. Our practice is to make all comments, including names and home