

■ G. In paragraph (c), in the “Student Aid Report (SAR)” definition, by adding “by the Secretary” immediately after “applicant”.

■ H. In paragraph (c), in the “Three-quarter-time student” definition, adding “as defined in 34 CFR part 668” at the end of the paragraph.

#### § 690.7 [Amended]

■ 30. Section 690.7(b) is amended by adding “, or for whom the institution obtained a valid ISIR,” immediately after “to the institution”.

#### § 690.61 [Amended]

■ 31. Section 690.61 is amended by:

■ A. In paragraph (a)(1), adding “and electronically transmit Federal Pell Grant disbursement data to the Secretary for that student” immediately after “disbursement”.

■ B. Removing paragraphs (a)(1)(ii)(A) and (a)(1)(ii)(B).

#### § 690.63 [Amended]

32. Section 690.63(g)(2) is amended by removing “668.2 and”.

#### § 690.78 [Amended]

■ 33. Section 690.78(c)(5) is amended by removing “(d)(4)” and adding, in its place, “(c)(4)”.

### PART 693—NATIONAL EARLY INTERVENTION SCHOLARSHIP AND PARTNERSHIP PROGRAM

■ 34. Part 693 is removed and reserved.

[FR Doc. 04–5821 Filed 3–15–04; 8:45 am]

BILLING CODE 4000–01–P

### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[DA 04–363, Docket No. 01–65, RM–10078, RM–10188, RM–10189]

#### Radio Broadcasting Services; Brandon, SD, Emmetsburg, Sanborn and Sibley, IA

AGENCY: Federal Communications Commission.

ACTION: Final rule; denial of petition for reconsideration.

SUMMARY: This document denies a Petition for Reconsideration filed by Saga Communications of Iowa, LLC directed to the *Report and Order* in this proceeding which substituted Channel 261C3 for Channel 261A at Emmetsburg, Iowa, and modified the license of Station KDWD to specify operation on Channel 261C3. In doing so, the *Report and Order* also denied a competing proposal by Saga Communications of

Iowa, LLC to upgrade a vacant Channel 261A allotment at Brandon, South Dakota. See 67 FR 64048, October 17, 2002. 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. 01–65, adopted February 25, 2004, and released February 27, 2004. 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, 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 [qualixint@aol.com](mailto:qualixint@aol.com). This document is not subject to the Congressional Review Act.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 04–5907 Filed 3–15–04; 8:45 am]

BILLING CODE 6712–01–P

### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[DA 04–364; MM Docket No. 00–69, RM–9850, RM–9945, RM–9946]

#### Radio Broadcasting Services; Bear Lake, Bellaire, Cheboygan, Ludington, Manistique, Onaway, Rapid River, Rogers City, and Walhalla, MI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document denies a Petition for Partial Reconsideration filed by Fort Bend Broadcasting Company directed to an earlier *Memorandum Opinion and Order* in this proceeding. See 68 FR 28805, May 27, 2003.

Specifically, this document denies a request to modify the Station WCUZ license to specify operation on Channel 291A at Bear Lake, Michigan. With this action, the proceeding is terminated.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission’s

*Memorandum Opinion and Order* in MM Docket No. 00–69, adopted February 25, 2004, and released February 27, 2004. 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, 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 [qualixint@aol.com](mailto:qualixint@aol.com). This document is not subject to the Congressional Review Act.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 04–5908 Filed 3–15–04; 8:45 am]

BILLING CODE 6712–01–P

### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[DA 04–361; MB Docket No. 03–7; RM–10596]

#### Radio Broadcasting Services; Caledonia and Upper Sandusky, OH

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In response to a *Notice of Proposed Rulemaking*, 68 FR 5861 (February 5, 2003), this document grants a petition for rulemaking filed by Clear Channel Broadcasting Licenses, Inc., licensee of Station WYNT(FM), proposing to reallocate Channel 240A from Upper Sandusky, to Caledonia, Ohio, as the community’s first local aural transmission service, and modify Station WYNT(FM)’s license to reflect the change of community. Channel 240A is reallocated to Caledonia at Station WYNT(FM)’s requested transmitter site 8.2 kilometers (5.1 miles) southwest of the community at coordinates 40–35–43 NL and 83–02–59 WL. Since this proposal is within 320 kilometers (200 miles) of the U.S.-Canada border, concurrence of the government of Canada to the proposed allotment has been requested but not received. Operation with the facilities specified for Caledonia is subject to modification, suspension, or termination without right to hearing, if found by the Commission to be necessary in order to conform to the Canada-United States FM Broadcast

Agreement or if specifically objected to by Industry Canada.

**DATES:** Effective April 12, 2004.

**FOR FURTHER INFORMATION CONTACT:**

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

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MB Docket No. 03-7, adopted February 25, 2004, and released February 27, 2004. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW., Washington, DC. This document 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).

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

Radio, 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, and 336.

**§ 73.202 [Amended]**

■ 2. Section 73.202(b), the Table of FM Allotments under Ohio, is amended by adding Caledonia, Channel 240A and by removing Upper Sandusky, Channel 240A.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 04-5912 Filed 3-15-04; 8:45 am]

BILLING CODE 6712-01-P

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**RIN 1018-A169**

**Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for *Yermo xanthocephalus* (Desert Yellowhead)**

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

**ACTION:** Final rule; notice of availability.

**SUMMARY:** We, the Fish and Wildlife Service (Service), designate critical habitat for *Yermo xanthocephalus* (desert yellowhead) pursuant to the Endangered Species Act (Act) of 1973. Approximately 146 hectares (360 acres) in Fremont County, Wyoming, are designated as critical habitat for *Y. xanthocephalus*, which was federally listed as threatened throughout its range in central Wyoming in 2002.

Section 4 of the Act requires us to consider economic and other relevant impacts of specifying any particular area as critical habitat. Section 7 of the Act prohibits destruction or adverse modification of critical habitat by any activity funded, authorized, or carried out by any Federal agency.

This publication also provides notice of the availability of the Final Economic Analysis of Critical Habitat Designation for the Desert Yellowhead (Final Economic Analysis) and the Final Environmental Assessment for Designation of Critical Habitat for the Desert Yellowhead (Final EA) for this final rule.

**DATES:** This final rule is effective April 15, 2004.

**ADDRESSES:** Comments and materials received, as well as supporting documentation used in the preparation of this final rule, are available for public inspection, by appointment, during normal business hours at the Wyoming Field Office, U.S. Fish and Wildlife Service, 4000 Airport Parkway, Cheyenne, Wyoming, 82001. You may obtain copies of this final rule and the Final EA and Final Economic Analysis from the field office address above or by calling 307-772-2374.

**FOR FURTHER INFORMATION CONTACT:**

Brian T. Kelly, Field Supervisor, Wyoming Field Office, U.S. Fish and Wildlife Service, at the above address (telephone: 307-772-2374; facsimile: 307-772-2358; e-mail: [Brian\\_T\\_Kelly@fws.gov](mailto:Brian_T_Kelly@fws.gov)).

**SUPPLEMENTARY INFORMATION:**

**Designation of Critical Habitat Provides Little Additional Protection to Species**

In 30 years of implementing the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), the Service has found that the designation of statutory critical habitat provides little additional protection to most listed species, while consuming significant amounts of conservation resources. The Service's present system for designating critical habitat has evolved since its original statutory prescription into a process that provides little real conservation benefit, is driven by litigation and the courts rather than

biology, limits our ability to fully evaluate the science involved, consumes enormous agency resources, and imposes huge social and economic costs. The Service believes that additional agency discretion would allow our focus to return to those actions that provide the greatest benefit to the species most in need of protection.

*Role of Critical Habitat in Actual Practice of Administering and Implementing the Act*

While attention to and protection of habitat is paramount to successful conservation actions, we have consistently found that, in most circumstances, the designation of critical habitat is of little additional value for most listed species, yet it consumes large amounts of conservation resources. Sidle (1987) stated, "Because the ESA can protect species with and without critical habitat designation, critical habitat designation may be redundant to the other consultation requirements of section 7." Currently, only 306 species, or 25 percent of the 1,211 listed species in the United States under jurisdiction of the Service, have designated critical habitat. We address the habitat needs of all 1,211 listed species through conservation mechanisms such as listing, section 7 consultations, the section 4 recovery planning process, the section 9 protective prohibitions of unauthorized take, section 6 funding to the States, and the section 10 incidental take permit process. The Service believes that it is these measures that may make the difference between extinction and survival for many species.

*Procedural and Resource Difficulties in Designating Critical Habitat*

We have been inundated with lawsuits for our failure to designate critical habitat, and we face a growing number of lawsuits challenging critical habitat determinations once they are made. These lawsuits have subjected the Service to an ever-increasing series of court orders and court-approved settlement agreements, compliance with which now consumes nearly the entire listing program budget. This leaves the Service with little ability to prioritize its activities to direct scarce listing resources to the listing program actions with the most biologically urgent species conservation needs.

The consequence of the critical habitat litigation activity is that limited listing funds are used to defend active lawsuits, to respond to Notices of Intent to sue relative to critical habitat, and to comply with the growing number of