

34. In this NPRM, we have maintained the existing part 15 emission limits, which are applicable to all part 15 devices, including BPL. We have also maintained the verification method for equipment authorization of BPL, which is the least burdensome equipment authorization procedure, wherein the manufacturer conducts his own testing and retains the compliant test data in his file. We have proposed to adopt new measurement guidelines for BPL and existing carrier current systems, to assist manufacturers and testing entities to follow clearer and more precise measurement procedures in the testing of BPL and CCS.

*F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules*

35. None.

**Ordering Clauses**

36. Pursuant to sections 1, 4, 301, 302(a), 303, 307, 309, 316, and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 301, 302(a), 303, 307, 309, 316, 332, 334, and 336, the Notice of Proposed Rule Making is hereby adopted.

37. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of this Notice of Proposed Rule Making, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

**List of Subjects in Part 15**

Communications equipment, Radio, Reporting and recordkeeping.

Federal Communications Commission.

**Marlene H. Dortch,**  
*Secretary.*

**Proposed Rules**

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 15 as follows:

**PART 15—RADIO FREQUENCY DEVICES**

1. The authority citation for part 15 continues to read as follows:

**Authority:** 47 U.S.C. 154, 302a, 303, 304, 307, 336, and 544a.'

2. Section 15.3 is amended by adding paragraph (ff) to read as follows:

**§ 15.3 Definitions.**

(ff) *Access Broadband over power line (Access BPL):* A carrier current system that transmits radio frequency energy by conduction over electric power lines

owned, operated, or controlled by an electric service provider. The electric power lines may be aerial (overhead) or underground.

3. Section 15.107 is amended by adding paragraph (e) to read as follows:

**§ 15.107 Conducted limits.**

\* \* \* \* \*

(e) The limits shown in paragraphs (a) and (b) of this section shall not apply to Access BPL systems.

4. Section 15.109 is amended by revising paragraph (e), redesignating paragraphs (f), (g) and (h) as paragraphs (h), (i) and (j), and by adding new paragraphs (f) and (g) to read as follows:

**§ 15.109 Radiated emission limits.**

\* \* \* \* \*

(e) Carrier current systems, including BPL systems, used as unintentional radiators or other unintentional radiators that are designed to conduct their radio frequency emissions via connecting wires or cables and that operate in the frequency range of 9 kHz to 30 MHz, including devices that deliver the radio frequency energy to transducers, such as ultrasonic devices not covered under part 18 of this chapter, shall comply with the radiated emission limits for intentional radiators provided in § 15.209 for the frequency range of 9 kHz to 30 MHz. As an alternative, carrier current systems used as unintentional radiators and operating in the frequency range of 525 kHz to 1705 kHz may comply with the radiated emission limits provided in § 15.221(a). At frequencies above 30 MHz, the limits in paragraphs (a), (b) or (i) of this section, as appropriate, continue to apply. For all BPL systems, the requirements of this paragraph (e) and paragraph (a) of this section shall also apply to the emissions from all low-voltage lines from the distribution transformer to all in-building wiring.

(f) Access BPL systems shall incorporate adaptive interference mitigation techniques such as dynamic or remote reduction in power and adjustment in operating frequencies, in order for Access BPL installations to avoid site-specific, localized use of the same spectrum by licensed services. Access BPL systems shall incorporate a shut-down feature to deactivate units found to cause harmful interference.

(g) Entities operating Access Broadband over Power Line systems shall supply to a Federal Communications Commission/National Telecommunications and Information Administration recognized industry-operated entity, information on all existing, changes to existing and proposed Access BPL systems for

inclusion in a data base. Such information shall include the installation locations, frequency bands of operation, and type of modulation used. No notification to the FCC is required.

\* \* \* \* \*

[FR Doc. 04-5271 Filed 3-16-04; 8:45 am]

BILLING CODE 6712-01-P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

**[DA 04-366; MB Docket No. 04-34, RM-10848]**

**Radio Broadcasting Services; Joliet and Lemont, IL**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Audio Division requests comments on a petition for rule making filed by HBC License Corporation proposing the reallocation of Channel 228A from Joliet to Lemont, Illinois, and the modification of Station WVIX(FM)'s construction permit accordingly. Channel 228A can be reallocated to Lemont in compliance with the Commission's minimum distance separation requirements with a site restriction of 7.0 kilometers (4.4 miles) south at Station WVIX(FM)'s authorized construction permit site. The coordinates for Channel 228A at Lemont are 41-36-39 North Latitude and 88-00-33 West Longitude. In accordance with Section 1.420(i) of the Commission's Rules, we will not accept competing expressions of interest for the use of Channel 228A at Lemont, Illinois, or require petitioner to provide an equivalent class channel for the use of other interested parties.

**DATES:** Comments must be filed on or before April 26, 2004, reply comments on or before May 11, 2004.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Lawrence N. Cohn, Esq., Cohn and Marks, LLP, 1920 N Street, NW., Suite 300, Washington, DC 20036 (Counsel for Petitioner).

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

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 04-34, adopted March 3, 2004, and

released March 5, 2004. 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 contractor, Qualex International, Portals, IL, 445 12th Street, SW, Room CY-B402, Washington, DC 20054, telephone 202-863-2893, facsimile 202-863-2898, 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 Illinois, is amended by removing Channel 228A at Joliet and adding Lemont, Channel 228A.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 04-6043 Filed 3-16-04; 8:45 am]

**BILLING CODE 6712-01-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

**RIN 1018-AI20**

#### Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Topeka Shiner

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

**ACTION:** Proposed rule; revisions to proposed critical habitat, reopening of comment period, notice of availability of draft economic analysis and draft environmental assessment, and announcement of public meeting.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, announce the reopening of a 30-day public comment period for the proposed rule to designate critical habitat for the Topeka shiner (*Notropis topeka*) pursuant to the Endangered Species Act of 1973, as amended (Act). The proposed rule to designate critical habitat in the States of Iowa, Kansas, Minnesota, Nebraska, and South Dakota was published on August 21, 2002 (67 FR 54261). We herein propose critical habitat segments for Missouri and one additional segment for South Dakota, and discuss potential exclusions from critical habitat designation under the authority of section 4(b)(2). We also exclude habitat on the Fort Riley Military Installation in Kansas under authority of section 4(a)(3) of the Act. In addition, we announce the availability of the draft economic analysis and draft environmental assessment for the proposed designation, and announce a public meeting.

**DATES:** The public meeting will be held from 7 to 9 p.m. central standard time on April 13, 2004, in Boonville, Missouri.

The comment period is hereby reopened until April 16, 2004. We will consider comments from all interested parties on the proposed rule of August 21, 2002 (67 FR 54261), the additional information provided herein, the draft economic analysis, and the draft environmental assessment. We must receive all comments by the closing date. Any comments that we receive after the closing date will not be considered in the final decision on this proposal.

**ADDRESSES:** The public meeting will be held at the Boonville High School, 1690 Ashley Rd., Boonville, Missouri.

Written comments and materials concerning the proposed rule and

amendments, proposed exclusions, draft economic analysis, and draft environmental assessment may be submitted to us at the hearing, or directly by any one of several methods:

(1) You may submit written comments and information to the Kansas Ecological Services Field Office, U.S. Fish and Wildlife Service, 315 Houston Street, Suite E, Manhattan, Kansas 66502.

(2) You may hand-deliver comments and information to the Kansas Ecological Services Field Office, at the above address, or send comments via facsimile to (785) 539-8567.

(3) You may send comments via electronic mail (e-mail) to [fw6\\_tshiner@fws.gov](mailto:fw6_tshiner@fws.gov). For directions on how to submit comments electronically, see the "Public Comments Solicited" section.

The complete file for this notice and the proposed rule are available for public inspection, by appointment, during normal business hours at the above address. Copies of the proposed rule, draft economic analysis, and draft environmental assessment are available by writing to the above address or by connecting to the Service Internet Web site at <http://mountain-prairie.fws.gov/topekashiner/ch>.

**FOR FURTHER INFORMATION CONTACT:** Vernon Tabor, Kansas Ecological Services Field Office, at the above address (telephone: (785) 539-3474, extension 110; facsimile: (785) 539-8567; e-mail: [fw6\\_tshiner@fws.gov](mailto:fw6_tshiner@fws.gov)).

#### SUPPLEMENTARY INFORMATION:

##### Public Comments Solicited

We intend for any final action resulting from this reopened proposal to be as accurate and effective as possible. Therefore, we are soliciting comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, landowners, or any other interested party regarding the revisions to the proposed rule, the draft economic analysis, and the draft environmental assessment. In addition, we are requesting any further comments regarding our August 21, 2002, proposed rule (67 FR 54261), pertaining to the designation of critical habitat in the remainder of the Topeka shiner's range, which includes portions of Iowa, Kansas (not including Fort Riley), Minnesota, Nebraska, and South Dakota. We particularly seek comments concerning:

(1) The reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act, including whether the