

of severe reception problems as a result of its operation on a VHF channel and the Commission has recognized that VHF poses challenges for stations providing digital television service on those channels due to propagation characteristics that allow undesired signals and noise to be receivable at relatively far distances and result in large variability in the performance of indoor antennas available to viewers, with most antennas performing very poorly on high VHF channels. Thus, the channel substitution proposal will serve the public by resolving the over-the-air reception problems and enhancing viewer reception in KCFW-TV's service area. Moreover, an analysis conducted using the Commission's *TVStudy* software tool indicates that all but approximately 75 persons will continue to receive the Station's signal and the proposed change to channel 17 will result in a predicted increase in service to more than 38,000 persons.

This is a synopsis of the Commission's *Report and Order*, MB Docket No. 23-79; RM-11947; DA 23-583, adopted July 5, 2023, and released July 5, 2023. The full text of this document is available for download at <https://www.fcc.gov/edocs>. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601-612, do not apply to this proceeding.

The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

Final Rule

For the reasons discussed in the preamble, the Federal Communications

Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICE

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

■ 2. In § 73.622(j), amend the Table of TV Allotments, under Montana, by revising the entry for Kalispell to read as follows:

§ 73.622 Digital television table of allotments.

	Community	Channel No.
	* * *	* * *
MONTANA		
Kalispell		* 15, 17
	* * *	* * *

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[**MB Docket No. 23-43; RM-11944; DA 23-584; FR ID 155979**]

Television Broadcasting Services Coos Bay, Oregon

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission's Media Bureau, Video Division (Bureau) issued a *Notice of Proposed Rulemaking (NPRM)* in response to a petition for rulemaking filed by Sinclair Eugene Licensee, LLC (Petitioner or Sinclair), the licensee of KCBY-TV (Station or KCBY-TV), channel 9, Coos Bay, Oregon, requesting the substitution of channel 34 for channel 11 at Coos Bay in the Table of TV Allotments. For the reasons set forth in the *Report and Order* referenced below, the Bureau amends FCC regulations to substitute channel 34 for channel 11 at Coos Bay.

DATES: Effective July 19, 2023.

FOR FURTHER INFORMATION CONTACT: Joyce Bernstein, Media Bureau, at (202) 418-1647 or Joyce.Bernstein@fcc.gov.

SUPPLEMENTARY INFORMATION: The proposed rule was published at 88 FR 13770 on March 6, 2023. The Petitioner filed comments in support of the petition reaffirming its commitment to apply for channel 34. No other comments were filed.

The Bureau believes the public interest would be served by substituting channel 34 for channel 11 at Coos Bay, Oregon. The Station has a long history of severe reception problems as a result of its operation on a VHF channel and the Commission has recognized that VHF channels pose challenges for stations providing digital television service on those channels due to propagation characteristics that allow undesired signals and noise to be receivable at relatively far distances and result in large variability in the performance of indoor antennas available to viewers, with most antennas performing very poorly on high VHF channels. Thus, the channel substitution will serve the public by resolving the over-the-air reception problems and enhancing viewer reception in KCBY-TV's service area. Moreover, an analysis conducted using the Commission's *TVStudy* software tool indicates that all but approximately 392 persons will continue to receive the Station's signal, and the channel change will result in a predicted increase in service to more than 11,000 persons.

This is a synopsis of the Commission's *Report and Order*, MB Docket No. 23-43; RM-11944; DA 23-584, adopted July 5, 2023, and released July 5, 2023. The full text of this document is available for download at <https://www.fcc.gov/edocs>. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601-612, do not apply to this proceeding.

The Commission will send a copy of the *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Television.
Federal Communications Commission.
Thomas Horan,
Chief of Staff, Media Bureau.

Final Rule

For the reasons discussed in the preamble, the Federal Communications Commission amends 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, 155, 301, 303, 307, 309, 310, 334, 336, 339.

■ 2. In § 73.622(j), amend the Table of TV Allotments, under Oregon, by revising the entry for Coos Bay to read as follows:

§ 73.622 Digital television table of allotments.

	Community	Channel No.
	* * *	* * *
OREGON		
Coos Bay	* * *	22, 34
	* * *	* * *

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS-R1-ES-2020-0060; FF09E22000 FXES11130900000 234]

RIN 1018-BE72

Endangered and Threatened Wildlife and Plants; Removing Golden Paintbrush From the Federal List of Endangered and Threatened Plants

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), remove the golden paintbrush (*Castilleja levisecta*) from the Federal List of Endangered and Threatened Plants as it no longer meets

the definition of an endangered or threatened species under the Endangered Species Act of 1973, as amended (Act). The golden paintbrush is a flowering plant native to southwestern British Columbia, western Washington, and western Oregon. Our review of the best available scientific and commercial data indicates threats to the golden paintbrush have been eliminated or reduced to the point that the species no longer meets the definition of an endangered or threatened species under the Act.

DATES: This rule is effective August 18, 2023.

FOR FURTHER INFORMATION CONTACT: Direct all questions or requests for additional information to: GOLDEN PAINTBRUSH QUESTIONS, Brad Thompson, State Supervisor, U.S. Fish and Wildlife Service, Washington Fish and Wildlife Office, 510 Desmond Drive SE, Suite 102, Lacey, WA 98503; telephone: 360-753-9440. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

Executive Summary

Why we need to publish a rule. Under the Act, if we determine a plant species no longer meets the definition of an endangered or threatened species, we remove it from the Federal List of Endangered and Threatened Plants (*i.e.*, we “delist” it). Delisting a species can be completed only by issuing a rule through the Administrative Procedure Act rulemaking process.

What this document does. This rule removes (delists) the golden paintbrush from the Federal List of Endangered and Threatened Plants because it no longer meets the Act’s definition of either a threatened species or an endangered species.

The basis for our action. Under the Act, we may determine that a species is an endangered or threatened species because of any of the following five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued

existence. The determination to delist a species must be based on an analysis of the same factors. Based on an assessment of the best available information regarding the status of and threats to the golden paintbrush, we have determined that the species no longer meets the definition of a threatened species or an endangered species under the Act.

We have determined that golden paintbrush is not in danger of extinction now nor likely to become so in the foreseeable future based on a comprehensive review of its status and listing factors. Specifically, our recent review indicated: (1) An increase in the known number of occurrences of the species within its geographic range, and increased abundance in many populations; (2) resiliency of the species to existing and potential threats; (3) 45 of 48 sites with golden paintbrush are in either public ownership; are owned by a conservation-oriented, nongovernmental organization; or are under conservation easement; and (4) the implementation of beneficial management practices for the species. Accordingly, the golden paintbrush no longer meets the definition of a threatened species or an endangered species under the Act.

Peer review and public comment. The purpose of peer review is to ensure that our determination regarding the status of the species under the Act is based on scientifically sound data, assumptions, and analyses. We prepared a species biological report (SBR) for golden paintbrush (Service 2019) and sought peer review on the report in accordance with our joint policy on peer review published in the **Federal Register** on July 1, 1994 (59 FR 34270), and our August 22, 2016, memorandum updating and clarifying the role of peer review of listing actions under the Act. We sent the report to four appropriate and independent specialists with knowledge of the biology and ecology of the golden paintbrush and received three responses. The comments and recommendations of the peer reviewers have been incorporated into the SBR as appropriate, and they informed the proposed rule. We posted the peer reviews on <https://www.regulations.gov> under Docket No. FWS-R1-ES-2020-0060. Furthermore, in our June 30, 2021, proposed rule (86 FR 34695), we requested that all interested parties submit written comments on the proposal by August 30, 2021. We received 10 public comments in response to the proposed rule as discussed below in Summary of Comments and Recommendations.