

(2) If granted, extensions of time will generally be limited to 30 days.

(3) Resubmissions must reference the application number of the earlier submission. The resubmission may be made by letter to the Director. The record of a resubmitted application shall include the original submission on file with the Department. Any new material or information contained in a resubmission, which should address the specific deficiencies cited in the DWOP letter, should be clearly labeled and referenced to the applicable question on the application form. The resubmission must be for the instrument covered by the original application unless the DWOP letter specifies to the contrary. The resubmission shall be subject to the certification made on the original application.

\* \* \* \* \*

(5) \* \* \* Resubmission by fax, e-mail or other electronic means is acceptable provided an appropriate return number or address is provided in the transmittal. Resubmissions must clearly indicate the date of transmittal to the Director.

8. Amend § 301.6 by revising paragraphs (a) and (c) to read as follows:

#### **§ 301.6 Appeals.**

(a) An appeal from a final decision made by the Director under § 301.5(f) may be taken in accordance with U.S. Note 6(e), Subchapter X, Chapter 98, HTSUS, only to the U.S. Court of Appeals for the Federal Circuit and only on questions of law, within 20 days after publication of the decision in the **Federal Register**. If at any time while its application is under consideration by the Court of Appeals on an appeal from a finding by the Director an institution cancels an order for the instrument to which the application relates or ceases to have a firm intention to order such instrument, the institution shall promptly notify the court.

\* \* \* \* \*

(c) Questions regarding appeal procedures should be addressed directly to the U.S. Court of Appeals for the Federal Circuit, Clerk's Office, Washington, DC 20439.

#### **§ 301.7 [Amended]**

9. Amend § 301.7 by removing "(see § 301.6(a))" from the first sentence of paragraph (a).

10. Amend § 301.8 as follows:

a. Amend paragraph (a)(1) by adding "(as defined in 19 CFR 101.1)" after "Customs territory of the United States";

b. Amend the second sentence of paragraph (a)(5) by adding the words

"either by delaying importation or by placing the instrument in a bonded warehouse or foreign trade zone," after the words "duty-free entry of the instrument,";

c. Amend paragraph (b) by removing "above" and "mentioned" from the first sentence;

d. Amend paragraph (c) by removing "of § 301.8" in the first sentence and adding a comma after "provisions";

e. Revise paragraph (d) to read as follows:

#### **§ 301.8 Instructions for entering instruments through U.S. Customs under subheading 9810.00.60, HTSUS.**

\* \* \* \* \*

(d) *Payment of duties.* The importer of record will be billed for payment of duties when Customs determines that such payment is due. If a refund of a deposit made pursuant to paragraph (a)(4) of this section is due, the importer should contact Customs officials at the port of entry, not the Department of Commerce.

#### **§ 301.9 [Amended]**

11. Amend § 301.9 by removing "latter" from the first sentence of the introductory text of paragraph (a) and adding "receiving" in its place.

12. § 301.10 is revised to read as follows:

#### **§ 301.10 Importation of repair components and maintenance tools under HTSUS subheadings 9810.00.65 and 9810.00.67 for instruments previously the subject of an entry liquidated under subheading 9810.00.60, HTSUS.**

(a) An institution owning an instrument that was the subject of an entry liquidated duty-free under subheading 9810.00.60, HTSUS, that wishes to enter repair components or maintenance tools for that instrument may do so without regard to the application procedures required for entry under subheading 9810.00.60, HTSUS. The institution must certify to Customs officials at the port of entry that such components are repair components for that instrument under subheading 9810.00.65, HTSUS, or that the tools are maintenance tools necessary for the repair, checking, gauging or maintenance of that instrument under subheading 9810.00.67, HTSUS.

(b) Instruments entered under subheading 9810.00.60, HTSUS, and subsequently returned to the foreign manufacturer for repair, replacement or modification are not covered by subheading 9810.00.65 or 9810.00.67, HTSUS, although they may, upon return to the United States, be eligible for a

reduced duty payment under subheading 9802.00.40 or 9802.00.50, HTSUS (covering articles exported for repairs or alterations) or may be made the subject of a new application under subheading 9810.00.60, HTSUS.

**Robert S. LaRussa,**

*Assistant Secretary for Import Administration.*

**Raymond W. Kelly,**

*Commissioner of Customs.*

Dated: May 3, 2000.

**John P. Simpson,**

*Deputy Assistant Secretary of the Treasury.*

[FR Doc. 00-11734 Filed 5-11-00; 8:45 am]

BILLING CODES 3510-DS-P; 4820-02-P

## **FEDERAL COMMUNICATIONS COMMISSION**

### **47 CFR Part 73**

[DA No. 00-916, MM Docket No. 00-69, RM-9850]

### **Radio Broadcasting Services; Cheboygan and Rogers City, MI**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition filed by Escanaba License Corp. proposing the allotment of Channel 260C2 at Cheboygan, Michigan. The coordinates for Channel 260C2 at Cheboygan are 45-33-53 and 84-07-54. There is a site restriction 28.7 kilometers (17.8 miles) east of the community. To accommodate the new allotment at Cheboygan, we shall also propose to substitute Channel 292C2 for Channel 260C2 at Rogers City, Michigan, and modification of the license for Station WHAK to specify operation on Channel 292C2. The coordinates for Channel 292C2 at Rogers City are 45-23-53 and 83-55-19. Canadian concurrence will be requested for the allotments at Cheboygan and Rogers City, Michigan.

**DATES:** Comments must be filed on or before June 16, 2000, and reply comments on or before July 3, 2000.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Lyle Robert Evans, President, Escanaba License Corp., 1101 Ludington Street, Escanaba, Michigan 49829.

**FOR FURTHER INFORMATION CONTACT:**

Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 00-69, adopted April 12, 2000, and released April 25, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800, facsimile (202) 857-3805.

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 broadcasting.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 00-11912 Filed 5-11-00; 8:45 am]

**BILLING CODE 6712-01-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 679**

[I.D. 050500A]

**RIN 0648-AK74**

**Fisheries of the Exclusive Economic Zone Off Alaska; Prohibition of Groundfish Fishing and Anchoring in the Sitka Pinnacles Marine Reserve**

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

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The North Pacific Fishery Management Council (Council) has submitted Amendment 59 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). This amendment would prohibit vessels holding a Federal fisheries permit from fishing for groundfish or anchoring in the proposed Sitka Pinnacles Marine Reserve, a 2.5-square nautical mile (nm) area near Cape Edgecumbe. Amendment 59 is necessary to allow this area to function more fully as a marine refuge and would complement State regulations. The prohibition of boat anchoring by vessels under Federal jurisdiction would help prevent degradation of this fragile habitat.

**DATES:** Comments on Amendment 59 must be submitted by July 11, 2000.

**ADDRESSES:** Comments should be submitted to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel. Comments may also be sent via facsimile (fax) to 907-586-7465, or hand delivered or sent by courier to the Federal Building, Room 453, Juneau, AK. Comments will not be accepted if submitted via e-mail or the Internet.

Copies of Amendment 59 to the FMP and the Environmental Assessment/Regulatory Impact Review/Initial Flexibility Analysis prepared for the amendment are available from the North Pacific Fishery Management Council, 605 West 4th Avenue, Suite 306, Anchorage, AK 99501-2252; telephone 907-271-2809.

**FOR FURTHER INFORMATION CONTACT:**

Nina Mollett, 907-586-7462, nina.mollett@noaa.gov.

**SUPPLEMENTARY INFORMATION:** The Council adopted Amendment 59 to the FMP at its June 1998 meeting pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). If approved by NMFS, this amendment would prohibit vessels holding a Federal fisheries permit from fishing for groundfish or anchoring in the Sitka Pinnacles Marine Reserve, a 2.5-square nm area of unusually productive and fragile habitat near Cape Edgecumbe. In addition, the amendment would prohibit fishing for halibut or anchoring in the area by vessels required to have on board an individual fishing quota (IFQ) halibut permit under § 679.4(b). In addition, the area would be closed to sport fishing for halibut as defined at § 300.61, or anchoring by vessels having halibut on board. The International Pacific Halibut Commission manages Pacific halibut

pursuant to the Northern Pacific Halibut Act.

The proposed Sitka Pinnacles Marine Reserve provides habitat for a variety of species at different life stages. Large numbers of juvenile and adult rockfish find shelter and protection among the sea plants and invertebrates growing on the rock walls. Closure of this area would protect the fragile ecosystem in the pinnacles. It would prevent the harvest or bycatch of species using the pinnacles during critical portions of their life histories, and would allow a vital ecosystem to maintain natural population levels in an area surrounded by heavy fishing pressure.

The Magnuson-Stevens Act requires that each Regional Fishery Management Council submit any fishery management plan or fishery management plan amendment it prepares to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving a fishery management plan or amendment, immediately publish a notification in the **Federal Register** that the amendment is available for public review and comment. This action constitutes such notice for FMP Amendment 59. NMFS will consider the public comments received during the comment period in determining whether to approve Amendment 59. To be considered, a comment must be received by close of business on the last day of the comment period (see **DATES**), regardless of the comment's postmark or transmission date. A proposed rule that would implement the amendment may be published in the **Federal Register** for public comment following NMFS' evaluation under the Magnuson-Stevens Act procedures. Public comments on the proposed rule must be received by the end of the comment period on the amendment in order to be considered in the approval/disapproval decision on the amendment. All comments received by the end of the comment period on the amendment, whether specifically directed to the amendment or to the proposed rule, will be considered in the approval/disapproval decision; comments received after that date will not be considered in the approval/disapproval decision on the amendment.

Dated: May 8, 2000.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 00-12027 Filed 5-11-00; 8:45 am]

**BILLING CODE 3510-22-F**