

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

[DA 00-833; MM Docket No. 99-8; RM-9433, RM-9692]

Radio Broadcasting Services; Mt. Washington and Jefferson, NH, Newry, ME

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of North Country Radio, allots Channel 247A to Jefferson, NH, as the community's first local aural service and denies the allotment of Channel 247A to Mt. Washington, NH, as the community's second local aural service. This action also dismisses the counterproposal filed by Barry P. Lunderville to allot Channel 247A to Newry, ME, as the community's first local aural service, because of his failure to comply with the subscription and verification requirements of Section 1.52 of the Commission's Rules. See 64 FR 5626, February 4, 1999. Channel 247A can be allotted to Jefferson in compliance with the Commission's mileage separation requirements, with respect to domestic allotments, with a site restriction of 5.1 kilometers (3.2 miles) southeast, at coordinates 44-23-40 NL; 71-25-15 WL, to avoid a short-spacing to Station WGMT, Channel 249C3, Lyndon, VT. Use of these coordinates will not negate the short-spacing to unoccupied and unapplied-for Channel 247C1 at both Sherbrook, Quebec, and Thetford-Mines, Quebec, Canada. Since Jefferson is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence by the Canadian government in the allotment, as a specially negotiated, short-spaced allotment, has been requested but has not yet been received. However, rather than delay any further the opportunity to file applications for this channel, we will allot Channel 247A to Jefferson at this time. If a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Canadian Government, the construction permit will include the following condition: "Operation with the facilities specified herein 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 objected to by Industry Canada." A filing window for Channel 247A at Jefferson will not be opened at

this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

DATES: Effective May 30, 2000.

FOR FURTHER INFORMATION CONTACT:

Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99-8, adopted April 5, 2000, and released April 14, 2000. 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. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

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

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under New Hampshire, is amended by adding Jefferson, Channel 247A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00-10924 Filed 5-2-00; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

[DA 00-834; MM Docket No. 99-6; RM-9431, RM-9596]

Radio Broadcasting Services; St. Johnsbury and Barton, VT

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Vermont Broadcast Associates, Inc., allots Channel 262A to Barton, VT, as the community's first local aural service and denies the

request of Dana Puopolo to allot Channel 262A to St. Johnsbury, VT, as the community's second local FM and third local aural service. See 64 FR 5624, February 4, 1999. Channel 262A can be allotted to Barton in compliance with the Commission's minimum distance separation requirements, with respect to domestic allotments, without the imposition of a site restriction, at coordinates 44-44-54 North Latitude and 72-10-36 West Longitude. Barton is located within 320 kilometers (200 miles) of the U.S.-Canadian border and use of these coordinates does not negate the short-spacings to the proposed allotment of Channel 262A at Sherbrook, Quebec, and the vacant and proposed to be deleted Channel 262A at Magog, Quebec, Canada. Canadian concurrence in the allotment of Channel 262A at Barton, as a specially-negotiated short-spaced allotment, has been requested but has not yet been received. However, rather than delay any further the opportunity to file applications for this channel, we will allot Channel 262A to Barton at this time. If a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Canadian Government, the construction permit will include the following condition: "Operation with the facilities specified herein 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." A filing window for Channel 262A at Barton will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

DATES: Effective May 30, 2000.

FOR FURTHER INFORMATION CONTACT:

Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99-6, adopted April 5, 2000, and released April 14, 2000. 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. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

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

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Vermont, is amended by adding Barton, Channel 262A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00-10923 Filed 4-28-00; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 222 and 223

[Docket No. 991207322-0115-04; I.D. 042100B]

RIN 0648-AN30

Sea Turtle Conservation; Restrictions Applicable to Shrimp Trawl Activities; Leatherback Conservation Zone

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

ACTION: Temporary rule; request for comments.

SUMMARY: NMFS is closing, for a two-week period, all inshore waters and offshore waters out to 10 nautical miles (nm) (18.5 km) seaward of the COLREGS demarcation line, bounded by 32° N. lat. and 33° N. lat. within the Leatherback Conservation Zone, to fishing by shrimp trawlers required to have a turtle excluder device (TED) installed in each net that is rigged for fishing, unless the TED has an escape opening large enough to exclude leatherback turtles, as specified in the regulations. This action is necessary to reduce mortality of endangered leatherback sea turtles incidentally captured in shrimp trawls.

DATES: This action is effective from April 27, 2000 through 11:59 p.m. (local time) on May 11, 2000.

ADDRESSES: Comments on this action should be addressed to the Chief, Endangered Species Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Comments may also be sent via

fax to 301-713-0376. Comments will not be accepted if submitted via e-mail or the Internet.

FOR FURTHER INFORMATION CONTACT:

Charles A. Oravetz, (727) 570-5312, (ph. 727-570-5312, fax 727-570-5517, e-mail Chuck.Oravetz@noaa.gov), or Wanda L. Cain, (ph. 301-713-1401, fax 301-713-0376, e-mail Wanda.Cain@noaa.gov).

For assistance in modifying TED escape openings to exclude leatherback sea turtles, fishermen may contact gear specialists at the NMFS, Pascagoula, MS laboratory by phone (228) 762-4591 or fax (228) 769-8699.

SUPPLEMENTARY INFORMATION:

Prohibitions to taking sea turtles are governed by regulations implementing the Endangered Species Act at 50 CFR parts 222 and 223. The incidental take of turtles during shrimp fishing in the Atlantic Ocean off the coast of the southeastern United States and in the Gulf of Mexico is excepted from the taking prohibition pursuant to sea turtle conservation regulations at 50 CFR 223.206, which include a requirement that shrimp trawlers have a NMFS-approved TED installed in each net rigged for fishing. The use of TEDs significantly reduces mortality of loggerhead, green, Kemp's ridley, and hawksbill sea turtles. Because leatherback turtles are larger than the escape openings of most NMFS-approved TEDs, use of these TEDs is not an effective means of protecting leatherback turtles.

Through a final rule (60 FR 47713 September 14, 1995), NMFS established regulations to provide protection for leatherback turtles when they occur in locally high densities during their annual, spring northward migration along the Atlantic seaboard. Within the Leatherback Conservation Zone, NMFS may close an area for 2 weeks when leatherback sightings exceed 10 animals per 50 nm (92.6 km) during repeated aerial surveys pursuant to § 223.206(d)(2)(iv)(A) through (C).

An aerial survey conducted on April 20, 2000, along the South Carolina coast documented 28 leatherback turtles over a total survey trackline of approximately 120 nm (222 km). The highest concentrations were noted in waters off the southern half of the state. Twenty-one of the 28 leatherbacks were sighted in the portion of the survey trackline just 36.3 nm (67.2 km) long, from the south end of Pritchards Island (approximately 32°16' N. lat, 080°36' W. long.) to the north end of Kiawah Island (approximately 32°35' N. lat., 079°59' W. long.). In a 8.7-nm (16.1-km) section of the survey trackline flown in a

northeasterly direction commencing approximately 1 nm (1.8 km) off the beach at the southern end of Edisto Island (approximately 32°28' N. lat., 080°20' W. long.), 7 leatherbacks were sighted. A replicate survey flown later in the flight (same course, speed, and altitude) over the same 8.7 nm section of trackline area sighted 11 leatherbacks. Fishing effort appeared minimal at the time of the survey. Only 8 vessels (7 underway shrimp trawlers and 1 stationary gillnet vessel) were observed during the survey of the South Carolina coast. The paucity of vessels is likely due to the fact that shrimping in state waters off South Carolina (and Georgia) is scheduled to remain closed until mid to late May.

The Assistant Administrator for Fisheries, NOAA (AA), has determined that all inshore waters and offshore waters within 10 nm (18.5 km) seaward of the COLREGS demarcation line, bounded by 32° N. lat. and 33° N. lat., within the Leatherback Conservation Zone are closed to fishing by shrimp trawlers required to have a TED installed in each net that is rigged for fishing, unless the TED installed has an escape opening large enough to exclude leatherback turtles, meeting the specifications at 50 CFR 223.207(a)(7)(ii)(B) or 223.207(c)(1)(iv)(B). These regulations specify modifications that can be made to either single-grid hard TEDs or Parker soft TEDs to allow leatherbacks to escape.

The regulations at 50 CFR 223.206(d)(2)(iv) also state that fishermen operating in the closed area with TEDs modified to exclude leatherback turtles must notify the NMFS Southeast Regional Administrator of their intentions to fish in the closed area. This aspect of the regulations does not have a current OMB control number, issued pursuant to the Paperwork Reduction Act. Consequently, fishermen are not required to notify the Regional Administrator prior to fishing in the closed area, but they must still meet the gear requirements.

Classification

This action has been determined to be not significant for purposes of E.O. 12866.

The AA is taking this action in accordance with the requirements of 50 CFR 223.206(d)(2)(iv) to provide protection for endangered leatherback sea turtles from incidental capture and drowning in shrimp trawls. Leatherback sea turtles are occurring in high concentrations in coastal waters in shrimp fishery statistical zone 32. This